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STATUTORY ORDERS AND REGULATIONS

CONSOLIDATION, 1949

VOLUME I

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Published under authority of
The Statutory Orders and Regulations Order, 1949
(Order in Council P.C. 3605 of 20th July 1949).

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
KING'S PRINTER AND CONTROLLER OF STATIONERY
1950

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FOREWORD

The systematic publication of statutory orders "of general or widespread interest or concern" is a fairly recent development. It began early in 1940 with the publication of orders relating to the prosecution of the war, and was continued throughout the war years and to the end of 1946. Provision was then made by *The Statutory Orders and Regulations Order, 1947,* for the publication in Part II of the *Canada Gazette,* commencing January 1, 1947, of "all proclamations, orders, rules and regulations of a legislative character or of an administrative character, having general effect or imposing a penalty", and also for the publication of a Consolidation of such orders and regulations. The 1947 Order has since been replaced by *The Statutory Orders and Regulations Order, 1949,* under which authority this Consolidation is now published.

With a view to making this first Consolidation as complete as possible, all statutes which confer the power to make orders or regulations have been listed therein. It will be noted, however, that in many cases the power has not been exercised, and that in others the orders and regulations made thereunder are no longer in effect. Statutes that do not confer the power have been omitted entirely. Care has been taken to ensure that all orders and regulations having general effect have been included. Orders, regulations and by-laws that are of local importance only and certain orders, etc., having general effect which are readily available from some other official sources have been excluded. References to such orders, regulations and by-laws, indicating the sources from which they may be obtained, have wherever possible been given.

The material contained in this Consolidation has been compiled and arranged, with the assistance of the Government departments and agencies concerned, by the Statutory Orders and Regulations Division of the Privy Council Office.

The Statutory Orders and Regulations Order, 1949.

P.C. 3605

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 20th day of July, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS it is deemed advisable to amend and consolidate the Orders in Council relating to the publication of statutory orders and regulations, and to provide for the publication of a general consolidation of such orders and regulations;

NOW THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Right Honourable Louis S. St. Laurent, the Prime Minister, and pursuant to section 30 of the Public Printing and Stationery Act, Revised Statutes of Canada, 1927, chapter 162, is pleased to revoke and doth hereby revoke Order in Council P.C. 5355 of 30th December, 1946, as amended, and is pleased, hereby to make the following Order in substitution therefor:—

ORDER

1. This Order may be cited as "The Statutory Orders and Regulations Order, 1949".

2. In this Order,

(*a*) "statutory order" means an order, rule, regulation or proclamation of a legislative or administrative character and in either case having general effect or imposing a penalty; and

(*b*) a reference to Part I or Part II means respectively Part I of the *Canada Gazette* and Part II of the *Canada Gazette*.

3. (1) The *Canada Gazette* shall continue to be printed in two Parts, namely, Part I and Part II.

(2) Part I shall contain the matter that prior to the first day of January, 1947, was published in the *Canada Gazette*, except the matter described in section six.

(3) Part II shall contain the matter described in section six, which shall continue to be published under the title "Statutory Orders and Regulations".

(4) All proclamations shall continue to be published in Part I, and proclamations included in the definition of statutory order in section two shall also be published in Part II.

4. (1) Part II shall continue to be published regularly by the King's Printer on the second and fourth Wednesday of each month in a form analogous to that of the Statutes of Canada and in separate editions in the English and French languages, and shall be distributed without cost to Provincial Attorneys-General and to such other persons as are entitled to receive copies of the Statutes of Canada.

(2) Copies of Part II may be sold to the general public upon such conditions as to cost as are authorized from time to time by the Governor in Council.

5. Every Minister of the Crown, government department, board, agency or officer having authority to make any statutory order shall forthwith upon the making of a statutory order transmit to the Clerk of the Privy Council two copies thereof in English and one copy thereof in French.

6. A registry shall be maintained in the Privy Council Office in which shall be filed certified copies of:

(*a*) all statutory orders made by the Governor in Council or the Treasury Board;

(*b*) all statutory orders made by the Ministers of the Crown;

(*c*) all statutory orders made by a government department, board, agency or officer; and

(*d*) such other orders, rules and regulations, as the Governor in Council requires to be published in Part II.

7. Such proclamations, orders, rules and regulations as are required by section six to be registered shall, upon being so registered, be compiled and edited by the Clerk of the Privy Council and printed and published by the King's Printer in accordance with section four.

8. (1) On or before the fifteenth day of January, 1950, every Minister of the Crown, government department, board, agency or officer charged with the administration of any statutory order shall transmit to the Clerk of the Privy Council copies or consolidations in English, and a copy or consolidation in French, of all statutory orders under their administration and in effect on the thirty-first day of December, 1949, and subject to subsection two the Clerk of the Privy Council shall thereupon compile and edit and the King's Printer shall print and publish in English and in French all such copies or consolidations under the title "Statutory Orders and Regulations, Consolidation, 1949".

(2) All consolidations of statutory orders described in paragraph (*a*) of section six and transmitted to the Clerk of the Privy Council pursuant to subsection one shall be submitted to the Governor in Council for re-enactment prior to publication.

(3) Every five years or at such other interval as may be determined by the Governor in Council a consolidation of all statutory orders then in force, similar to Statutory Orders and Regulations, Consolidation, 1949, shall be published.

(4) Copies of Statutory Orders and Regulations, Consolidation, 1949, and similar consolidations, shall be distributed without cost to Provincial Attorneys-General and to such other persons as are authorized to receive copies of the Statutes of Canada, and copies may be sold to the general public upon such conditions as to cost as are authorized from time to time by the Governor in Council.

9. This Order does not apply to:

(*a*) Ordinances made by the Commissioner of the Northwest Territories in Council or by the Commissioner of the Yukon Territory in Council;

(*b*) any rule or order made by a court of record;

(*c*) any order, rule or regulation for the government or administration of the naval, military or air forces of Canada or the Royal Canadian Mounted Police that is restricted in its effect to members of or persons attached to the naval, military or air forces of Canada or the Royal Canadian Mounted Police;

(*d*) any statutory order that although not formally revoked has become obsolete, has been superseded by a subsequent order, rule or regulation, or has otherwise ceased to have general effect.

N. A. ROBERTSON,
Clerk of the Privy Council.

STATUTORY ORDERS AND REGULATIONS

In effect on 31st December, 1949

ADMIRALTY ACT, 1934. (1934, c. 31)

Section 31 of *The Admiralty Act, 1934,* authorizes the Judges of the Exchequer Court from time to time to make general rules and orders for regulating the practice and procedure in causes or matters falling within the admiralty jurisdiction of the Court, for fixing the scale of costs, charges and fees in admiralty causes, etc. Under this authority General Rules and Orders Regulating the Practice and Procedure in Admiralty Cases in the Exchequer Court were made on June 2, 1939, approved by Order in Council P.C. 1495 of 22nd June, 1939, and published in the *Canada Gazette* (Supplement) dated July 29, 1939. Copies of these General Rules and Orders may be obtained from the King's Printer, Ottawa. Price $1.00.

AERONAUTICS ACT. (R.S.C., 1927, c. 3)

See also CARRIAGE BY AIR ACT, 1939

1. Regulations respecting Commercial Air Services.
2. The Air Regulations.
3. The Flying Accidents Compensation Order.
4. Flying of aircraft prohibited in vicinity of Chalk River, Ont.

1. Regulations respecting Commercial Air Services

P.C. 972

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of March, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Air Transport Board, constituted by the Aeronautics Act, as amended by Chapter 28 of the Statutes of 1944-45, is authorized by the said Act, subject to the approval of the Governor in Council, to make regulations respecting commercial air services;

AND WHEREAS by Order in Council P.C. 1175, dated the 27th day of February, 1945, regulations respecting commercial air services made by the Air Transport Board were approved;

AND WHEREAS the Minister of Reconstruction and Supply reports that, pursuant to authority contained in the Aeronautics Act as amended by Chapter 9 of the Statutes of 1945, the Air Transport Board proposes to

Aeronautics Act—*continued*

establish classifications of air carriers and to exclude from the operation of certain parts of Part II of the said Act, or of the regulations made thereunder, certain of such classes of air carriers for the purpose of relieving them from compliance therewith in appropriate cases in which it would not be contrary to the public interest to do so; and

That the establishment of such classifications of air carriers will require certain consequential changes in the present regulations;

Now, Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply, is pleased to order as follows:

1. Order in Council P.C. 1175 of February 27, 1945, is hereby revoked effective April 9, 1947.

2. The annexed Regulations respecting Commercial Air Services made by the Air Transport Board under the Aeronautics Act are hereby approved, to become effective upon publication in the *Canada Gazette* on April 9, 1947.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations Respecting Commercial Air Services Made by the Air Transport Board Under The Aeronautics Act

1. Classification of Air Carriers

(1) Domestic Air Carriers

Class 1—*Scheduled Air Carriers*

Air carriers who offer in any manner or by any means whatsoever, public transportation by aircraft of passengers and/or goods at a rate or toll per unit and in accordance with a service schedule or a reasonable degree of systematic repetition.

Class 2—*Non-scheduled Air Carriers serving Specific Points*

Air carriers who operate from a designated base for the public transport of passengers and/or goods serving specific points in remote areas as traffic warrants and on basis of unit rates.

Class 3—*Non-scheduled Charter Air Carriers*

Air carriers who operate from a designated base for the public transport of passengers and/or goods on the basis of the charter of an entire aircraft, otherwise than on a service schedule.

Class 4—*Contract Air Carriers*

Air carriers who transport passengers and/or goods solely in accordance with one or more specific contracts,

Aeronautics Act—*continued*

provided that the party with whom the air carrier makes a contract is not also an air carrier or an agent for transportation of any kind.

Class 5—*Philanthropic Air Carriers*
Air carriers who operate on a non-profit basis for purposes incidental to social welfare or charitable objectives.

Class 6—*Flying Clubs*
Air carriers incorporated as non-profit organizations for the primary purpose of furnishing flying training and recreational flying to their own members.

Class 7—*Specialty Air Carriers*
Air carriers who operate for purposes not provided for by any other class, such as flying training, aerial photography, advertising, aerial circuses, race meets and recreational flying originating and terminating at the same point without the discharge of passengers at any other point.

(2) Foreign Air Carriers

Class 8—*Foreign Scheduled Air Carriers*
Air carriers which are not substantially owned and effectively controlled by Canadian nationals who offer, in any manner or by any means whatsoever, public transportation by aircraft of passengers and/or goods at a rate or toll per unit and in accordance with a service schedule or a reasonable degree of systematic repetition.

Class 9—*Foreign Non-scheduled Air Carriers*
Air carriers which are not substantially owned and effectively controlled by Canadian nationals who transport passengers and/or goods otherwise than on a service schedule, or who operate for any other purpose.

(3) When there is any doubt as to the class to which an air carrier belongs, the Board may allocate the carrier to such class as it may deem appropriate.

2. Exclusion of Certain Classes of Carriers from Certain Provisions of the Aeronautics Act

(1) Applicants for licences as air carriers in Classes 2, 3, 4, 5, 6, 7 and 9 shall be excluded from the operation of Section 12 (3) of the Aeronautics Act, provided they satisfy the Board that the proposed commercial air service would be in the public interest.

(2) Air carriers in Classes 2, 3, 4, 5, 6, 7 and 9 shall be excluded from the operation of Section 12 (7) of the Aeronautics Act, provided that in substitution therefor the Board may issue a licence to any such carrier which differs from the licence applied for and may suspend, cancel or amend any licence to any such carrier, or any part thereof when, in the opinion of the Board, such action would be in the public interest.

Aeronautics Act—*continued*

(3) Air carriers in Class 9 shall be excluded from the operation of Section 12 (1) of the Aeronautics Act. Any such carrier shall not operate into Canada unless he has first secured from the Board a permit which the Board may issue, in such terms and subject to such conditions as, in the opinion of the Board, the public interest may require.

All other provisions of the Aeronautics Act and of these regulations applicable to licences shall be applicable to permits issued hereunder, except to such extent as the application of such provisions may be excluded under or pursuant to the Aeronautics Act or these regulations. Similarly, and subject to the same exception, all the provisions of the Aeronautics Act and of these regulations, applicable to licensees, shall be applicable to holders of permits.

3. Operations in Other Classes

No air carrier shall operate a commercial air service in any class for which he is not licensed, provided that the Board may, in its discretion, authorize the operation of additional services as follows:—

(*a*) A carrier in Class 1, any one or more of the services in Classes 2, 3, 4, 5 and 7.

(*b*) A carrier in either of Classes 2, 3 or 4, any one or more of the services in Classes 5 and 7.

(*c*) A carrier in Class 8, in Class 9.

4. Applications for Licences to Operate Commercial Air Services

Every applicant for a licence to operate a commercial air service and any person interested in such an application or in a commercial air service shall furnish the Board, in such form and in such manner as the Board may prescribe (and, if required by the Board, on oath or affirmation) with such information as the Board may consider advisable, including (without limiting the foregoing) information on the matters hereinafter set out:

(*a*) the ownership, control or operation of any existing or proposed commercial air service in which the applicant or such person is interested and the persons interested therein;

(*b*) any understanding or arrangement and any financial or other interest which the applicant or such person has in any other air carrier or in any person who is engaged in the transport of goods or passengers for hire or reward by means other than aircraft;

(*c*) the routes, areas and places to be served by the applicant and the populations and industries thereof, the nature of the service intended to be operated, the kind of traffic to be carried, and any existing or potential competitive transportation services;

(*d*) in cases where the proposed commercial air service, for which a licence is sought, is in Classes 1 or 8, the extent to which such service is required by the present and future public convenience and necessity;

(*e*) in cases where the proposed commercial air service, for which a licence is sought, is in any one of Classes 2, 3, 4, 5, 6, 7 or 9, the extent to which such service is required in the public interest;

(*f*) the financial position and responsibility of the applicant and any existing or proposed commercial air service in which the applicant or such person is interested;

Aeronautics Act—*continued*

(*g*) the aircraft, personnel, equipment and facilities used or to be used;

(*h*) the proposed tolls of the applicant including terms and conditions of carriage, classifications, rules, regulations, practices and services.

5. Term of A Licence

The term of a licence to operate a commercial air service may be for such limited period of time as the Board may prescribe and the Board may renew any such licence for such further period as it deems advisable.

6. Accounts, Records and Reports

Every air carrier shall keep accounts and records, in the form prescribed from time to time by the Board, of its capital, traffic, equipment, working expenditures, and any other matters relating to the operation of the commercial air service operated by the carrier, as required by the Board, and shall permit access to such accounts and records by the Board or its authorized representatives, and every air carrier shall file with the Board at the times, in the form and under the conditions prescribed by the Board, returns respecting such matters. Without limiting the foregoing, such accounts and records shall include a balance sheet, a property account, a profit and loss statement, an income account, a record of the traffic carried, accidents, aircraft and their utilization, and records of employees, salaries and wages. Provided that the Board may exempt an air carrier from the requirements of this section to the extent deemed desirable by the Board, having regard to the scope and magnitude of the commercial air service operated by the carrier.

7. Ownership, Consolidation, Mergers, Transfers, Leases and Contracts

(1) Board may require information *re* ownership, consolidations, etc.
The Board may require any person to furnish, in such form and with such particulars as it deems necessary, information respecting ownership, consolidation, merger, transfer or lease of any commercial air service or any proposed commercial air service in regard to which an application for licence has been filed with the Board. The Board may also require any such information respecting any contract or proposed contract for the transport by air of passengers, goods and/or mails.

(2) Board to be advised regarding intended consolidations, etc.
Every person intending to carry out a consolidation, merger, lease or transfer of commercial air services and every person intending to enter into a specific contract for the transport by air of passengers, goods and/or mails shall file with the Secretary, Air Transport Board, Ottawa, a copy of any proposed agreement or contract in respect thereto and such other information as the Board may deem necessary.

(3) Board's approval of consolidations, etc.
No consolidation, merger, transfer or lease of any commercial air service and no contract for the transport by air of passengers, goods and/or mails shall be carried out or be effective without the prior approval in writing of the Board, unless such contract is in accordance with the provisions of a duly filed tariff.

Aeronautics Act—*continued*

8. Forms

The Board may prescribe and amend, from time to time, such forms as may be required for the purpose of Part II of the Aeronautics Act or for the purposes of these regulations or any direction or order issued by the Board pursuant thereto.

9. Traffic, Tolls and Tariffs—Class 1—Scheduled Air Carriers
Class 8—Foreign Scheduled Air Carriers

(1) Transportation, Equipment, Facilities and Service

(*a*) Every air carrier shall provide and furnish transportation upon reasonable request therefor in accordance with the terms and conditions of his licence; shall provide reasonable through service in connection with other air carriers; and shall provide safe and adequate service, equipment, and facilities in connection with such transportation.

(*b*) The Board may determine whether an air carrier has complied with the requirements of paragraph (1) (*a*) of this section, and may direct an air carrier to comply therewith in such terms and under such conditions as the Board may deem expedient.

(2) Service Schedules

(*a*) Traffic shall be carried by service rendered in accordance with service schedules and every air carrier shall file with the Board, and keep open to public inspection in such form and manner and containing such information as the Board may direct, service schedules showing the service performed by him.

(*b*) The Board may determine and direct what notice shall be given in regard to the effective date of any service schedule or any alteration or cancellation of a service schedule or any part thereof and may designate the date on which any service schedule or amendment thereto, or service stated therein, shall become effective, or may postpone the effective date of any service schedule or suspend any service schedule or portion thereof either before or after it becomes effective.

(*c*) Any service schedule in force may, subject to disallowance, suspension, or change by the Board, be amended or substituted by a new service schedule in accordance with the regulations and directions issued by the Board.

(*d*) The Board may disallow any service schedule or any portion thereof which it considers undesirable or contrary to any provisions of the regulations or directions issued by the Board and may require the air carrier to substitute a service schedule satisfactory to the Board in lieu thereof, or may prescribe other service in lieu of the service so disallowed.

(3) Tariffs and Tolls

(*a*) Every air carrier shall establish, observe and enforce just and reasonable individual and joint tolls, classifications, rules, regulations, terms and conditions of carriage, and practices relating to such transportation.

(*b*) All tolls of an air carrier shall always, under substantially similar circumstances and conditions, in respect of all traffic of same description and carried in like manner over the same

Aeronautics Act—*continued*

route, be charged equally to all persons and at the same rate, whether by weight, mileage, or otherwise. Tolls for plane-load quantities or greater weights, or longer distances, may be proportionately less than the tolls for less than plane-load quantities, or lesser weights, or shorter distances, if such tolls are under substantially similar circumstances charged equally to all persons.

(*c*) The Board may determine and prescribe what are just and reasonable individual or joint tolls, or may prescribe what is the maximum or minimum, or maximum and minimum toll to be charged, and what individual or joint classification, rule, regulation, terms and conditions of carriage, or practice shall prevail in respect of the services performed or to be performed by air carriers.

(*d*) In the case of joint tolls, every air carrier shall establish just, reasonable, and equitable divisions thereof as between air carriers participating therein which shall not unduly prefer or prejudice any such participating air carrier.

(*e*) The Board may determine and fix just and reasonable divisions or joint tolls as between air carriers, or the proportion of the joint toll or tolls to be received by an air carrier in any joint tariff between an air carrier and any other carrier. The Board may require to be informed by the air carrier of the proportion of the toll or tolls in any joint tariff filed which he or any other carrier is to receive or has received. The Board may decide that any proposed through toll is just and reasonable, notwithstanding that a less amount may be allotted to any air carrier out of such through toll than the air carrier would otherwise be entitled to charge.

(*f*) Every air carrier shall file or cause to be filed with the Board, and keep open to public inspection in such form and manner and containing such information as the Board may direct, tariffs showing all tolls, including terms and conditions of carriage, classifications, rules, regulations, practices, and services, applicable to the carriage of traffic between points served by him and between points served by him and points served by any other carrier when through service and through tolls shall have been established.

(*g*) The Board may determine and direct what notice shall be given in regard to the effective date of any tariff or any alteration or cancellation of a tariff or any part thereof, and may designate the date on which any tariff, or amendment thereto, or tolls stated therein, shall become effective, or may postpone the effective date or suspend any tariff or portion thereof either before or after it comes into effect.

(*h*) Any tariff in force may, subject to disallowance, suspension or change by the Board, be amended, supplemented, or superseded by a new tariff in accordance with the regulations and directions issued by the Board.

(*i*) The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable or contrary to any provisions of the regulations or directions issued by

Aeronautics Act—*continued*

the Board, and may require the air carrier to substitute a tariff satisfactory to the Board in lieu thereof or may prescribe other tolls in lieu of the tolls so disallowed.

(4) Collection of Tolls

(*a*) No tolls shall be charged unless an appropriate tariff has been filed with the Board or the Board has otherwise directed. Where a tariff is filed with the Board, and unless such tariff is disallowed or suspended by the Board or superseded by a new tariff, the toll or tolls specified therein shall be charged.

(*b*) No air carrier shall deliver or relinquish possession of any goods transported by him or transport any person until all tariff charges thereon or therefor have been paid, except under such directions as the Board may, from time to time issue to govern the settlement of such charges and to prevent unjust discrimination.

(*c*) No air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the tolls specified in his currently effective tariffs except as specified therein, nor extend to any person any privileges or facilities except as specified in his currently effective tariffs, without the prior approval of the Board.

(5) Discrimination, Preference, Prejudice

(*a*) No air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, airport, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person, airport, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(*b*) Whenever it is shown that any air carrier charges one person or class of persons, or the persons in any locality, lower tolls for the same or similar goods or lower tolls for the same or similar service than he charges to other persons or classes of persons or to the persons in another locality, or makes any difference in treatment in respect to such persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination shall lie on the air carrier.

(*c*) The Board may determine whether or not there has been, in any case, unjust discrimination or undue or unreasonable preference or advantage or prejudice or disadvantage within the meaning of these regulations.

(6) Free and Reduced-Rate Transportation

The Board may require air carriers to keep records of all free and reduced-rate transportation issued or given and may require the filing of returns with respect thereto.

Aeronautics Act—*continued*

10. TRAFFIC, TOLLS AND TARIFFS—Class 2—Non-scheduled air carriers operating between specific points.

(1) Transportation, Equipment and Facilities

(*a*) Every air carrier shall provide and furnish transportation upon reasonable request therefor in accordance with the terms and conditions of his licence, and shall provide safe and adequate service, equipment, and facilities in connection with such transportation.

(*b*) The Board may determine whether the air carrier has complied with the requirements of paragraph (1) (*a*) of this section, and may direct the air carrier to comply therewith in such terms and under such conditions as the Board may deem expedient.

(2) Tariffs and Tolls

(*a*) Every air carrier shall establish, observe, and enforce just and reasonable individual and joint tolls, classifications, rules, regulations, terms and conditions of carriage, and practices relating to such transportation.

(*b*) All tolls of an air carrier shall always, under substantially similar circumstances and conditions, in respect of all traffic of the same description and carried in like manner over the same route, be charged equally to all persons and at the same rate, whether by weight, mileage, or otherwise. Tolls for plane-load quantities or greater weights, or longer distances, may be proportionately less than the tolls for less than plane-load quantities, or lesser weights, or shorter distances, if such tolls are under substantially similar circumstances charged equally to all persons.

(*c*) The Board may determine and prescribe what are just and reasonable individual or joint tolls, or may prescribe what is the maximum or minimum, or maximum and minimum toll to be charged, and what individual or joint classification, rule, regulation, terms and conditions of carriage, or practice shall prevail in respect of the services performed or to be performed by air carriers.

(*d*) In the case of joint tolls, every air carrier shall establish just, reasonable, and equitable divisions thereof as between air carriers participating therein which shall not unduly prefer or prejudice any such participating air carrier.

(*e*) The Board may determine and fix just and reasonable divisions of joint tolls as between air carriers, or the proportion of the joint toll or tolls to be received by an air carrier in any joint tariff between an air carrier and any other carrier. The Board may require to be informed by the air carrier of the proportion of the toll or tolls in any joint tariff filed which he or any other carrier is to receive or has received. The Board may decide that any proposed through toll is just and reasonable, notwithstanding that a less amount may be allotted to any air carrier out of such through toll than the air carrier would otherwise be entitled to charge.

Aeronautics Act—*continued*

(*f*) Every air carrier shall file or cause to be filed with the Board, and keep open to public inspection in such form and manner and containing such information as the Board may direct, tariffs showing all tolls, including terms and conditions of carriage, classifications, rules, regulations, practices and services, applicable to the carriage of traffic between points served by him and between points served by him and points served by any other carrier when through service and through tolls shall have been established.

(*g*) The Board may determine and direct what notice shall be given in regard to the effective date of any tariff or any alteration or cancellation of a tariff or any part thereof, and may designate the date on which any tariff or amendment thereto, or tolls stated therein, shall become effective, or may postpone the effective date or suspend any tariff or portion thereof either before or after it comes into effect.

(*h*) Any tariff in force may, subject to disallowance, suspension, or change by the Board, be amended, supplemented, or superseded by a new tariff in accordance with the regulations and directions issued by the Board.

(*i*) The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable or contrary to any provisions of the regulations or directions issued by the Board, and may require the air carrier to substitute a tariff satisfactory to the Board in lieu thereof or may prescribe other tolls in lieu of the tolls so disallowed.

(3) Collection of Tolls

(*a*) No tolls shall be charged unless an appropriate tariff has been filed with the Board or the Board has otherwise directed. Where a tariff is filed with the Board, and unless such tariff is disallowed or suspended by the Board or superseded by a new tariff, the toll or tolls specified therein shall be charged.

(*b*) No air carrier shall deliver or relinquish possession of any goods transported by him or transport any person until all tariff charges thereon or therefor have been paid, except under such directions as the Board may, from time to time, issue, to govern the settlement of such charges and to prevent unjust discrimination.

(*c*) No air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the tolls specified in his currently effective tariffs except as specified therein, nor extend to any person any privileges or facilities except as specified in his currently effective tariffs, without the prior approval of the Board.

(4) Discrimination, Preference, Prejudice

(*a*) No air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, airport, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person,

Aeronautics Act—*continued*

airport, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(*b*) Whenever it is shown that any air carrier charges one person or class of persons, or the persons in any locality lower tolls for the same or similar goods or lower tolls for the same or similar service than he charges to other persons or classes of persons or to the persons in another locality, or makes any difference in treatment in respect of such persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination shall lie on the air carrier.

(*c*) The Board may determine whether or not there has been, in any case, unjust discrimination or undue or unreasonable preference or advantage or prejudice or disadvantage within the meaning of these regulations.

(5) Free and Reduced-Rate Transportation

The Board may require air carriers to keep records of all free and reduced-rate transportation issued or given, and may require the filing of returns with respect thereto.

11. Traffic, Tolls and Tariffs—Class 3—Non-Scheduled Charter Air Carriers.

Class 9—Foreign Non-Scheduled Charter Air Carriers.

(1) Transportation, Equipment and Facilities

(*a*) Every air carrier shall provide and furnish transportation upon reasonable request therefor in accordance with the terms and conditions of his licence, and shall provide safe and adequate service, equipment, and facilities in connection with such transportation.

(*b*) The Board may determine whether an air carrier has complied with the requirements of paragraph (1) (*a*) of this section, and may direct an air carrier to comply therewith in such terms and under such conditions as the Board may deem expedient.

(2) Tariffs and Tolls

(*a*) Every air carrier shall establish, observe, and enforce just and reasonable tolls, rules, regulations, terms and conditions of carriage, and practices relating to such transportation.

(*b*) The Board may determine and prescribe what are just and reasonable tolls, or may prescribe what is the maximum or minimum, or maximum and minimum toll to be charged, and what rule, regulation, terms and conditions of carriage, or practice shall prevail in respect of the services performed or to be performed by air carriers.

(*c*) Every air carrier shall file or cause to be filed with the Board, and keep open to public inspection in such form and manner and containing such information as the Board may direct, tariffs showing all tolls, including terms and conditions of carriage, rules, regulations, practices and services, applicable to the carriage of traffic by him.

Aeronautics Act—*continued*

(*d*) The Board may determine and direct what notice shall be given in regard to the effective date of any tariff or any alteration or cancellation of a tariff or any part thereof, and may designate the date on which any tariff, or amendment thereto or tolls stated therein, shall become effective, or may postpone the effective date or suspend any tariff or portion thereof either before or after it comes into effect.

(*e*) Any tariff in force may, subject to disallowance, suspension, or change by the Board, be amended, supplemented, or superseded by a new tariff in accordance with the regulations and directions issued by the Board.

(*f*) The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable or contrary to any provisions of the regulations or directions issued by the Board, and may require the air carrier to substitute a tariff satisfactory to the Board in lieu thereof or may prescribe other tolls in lieu of the tolls so disallowed.

(3) Collection of Tolls

(*a*) No tolls shall be charged unless an appropriate tariff has been filed with the Board or the Board has otherwise directed. Where a tariff is filed with the Board, and unless such tariff is disallowed or suspended by the Board or superseded by a new tariff, the toll or tolls specified therein shall be charged.

(*b*) No air carrier shall deliver or relinquish possession of any goods transported by him or transport any person until all tariff charges thereon or therefor have been paid, except under such direction as the Board may, from time to time, issue to govern the settlement of such charges and to prevent unjust discrimination.

(*c*) No air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the tolls specified in his currently effective tariffs, except as specified therein, nor extend to any person any privileges or facilities except as specified in his currently effective tariffs, without the prior approval of the Board.

(4) Discrimination, Preference, Prejudice

(*a*) No air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, airport, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person, airport, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(*b*) Whenever it is shown that any air carrier charges one person or class of persons, or the persons in any locality, lower tolls for the same or similar goods or lower tolls for the same or similar service that he charges to other persons or classes of persons or to the persons in another locality, or makes any difference in treatment in respect to such persons, the

Aeronautics Act—*continued*

burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination shall lie on the air carrier.

(*c*) The Board may determine whether or not there has been, in any case, unjust discrimination or undue or unreasonable preference or advantage or prejudice or disadvantage within the meaning of these regulations.

(5) Free and Reduced-Rate Transportation.

The Board may require air carriers to keep records of all free and reduced-rate transportation issued or given, and may require the filing of returns with respect thereto.

12. Tolls and Tariffs—Class 4—Contract Air Carriers

(1) Tolls

(*a*) Every contract air carrier shall establish, observe and enforce just and reasonable tolls, rules, regulations, terms and conditions of carriage, and practices relating to such transportation.

(*b*) The Board may determine and prescribe the basis on which contract tolls shall be established and what are just and reasonable tolls, or may prescribe what is the maximum or minimum, or maximum and minimum toll to be charged and the rules, regulations, terms and conditions of carriage, or practices to prevail in respect of the services performed or to be performed by contract air carriers, either in individual cases or generally.

(2) Tariffs

(*a*) Every contract air carrier shall file, or cause to be filed, with the Board, in such form and manner and containing such information as the Board may direct, tariffs showing all tolls, terms and conditions of carriage, rules, regulations, and practices applicable to the contract carriage of traffic by air.

(*b*) The Board may determine and direct what notice shall be given in regard to the effective date of any tariff or any alteration or cancellation of a tariff, or any part thereof, and may designate the date on which any tariff, or amendment thereto, or tolls stated therein, shall become effective, or may postpone the effective date or suspend any tariff or portion thereof either before or after it comes into effect.

(*c*) The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable or contrary to the public interest or to any provisions of the regulations or directions issued by the Board.

(3) Collection of Tolls

(*a*) No tolls shall be charged unless an appropriate tariff has been filed with the Board or the Board has otherwise directed. Where a tariff is filed with the Board, and unless such tariff is disallowed or suspended by the Board or superseded by a new tariff, the toll or tolls specified therein shall be charged.

(*b*) The Board may, at any time, either in individual cases or for application generally, prescribe the manner in which tolls and tariff charges shall be collected by contract air carriers.

Aeronautics Act—*continued*

13. Maximum Hours and Working Conditions for Pilots and Co-Pilots

Each air carrier shall, within thirty days after the effective date of these regulations, file with the Secretary, Air Transport Board, Ottawa, a copy of any agreement to which the air carrier is then a party respecting maximum hours or other working conditions for pilots or co-pilots and no air carrier shall alter the terms of any such existing agreement or enter into any such agreement until thirty days after filing a copy of the proposed agreement with the Board.

14. Penalties for Breaches of Regulations

Any person who contravenes or fails to comply with these regulations, or who makes any false statement in any document furnished or filed pursuant to these regulations, shall be guilty of an offence and shall, on summary conviction, be liable to a penalty not exceeding five thousand dollars or imprisonment for six months, or both such fine and such imprisonment, and shall be liable to an additional or alternative penalty of having cancelled or suspended any licence issued to such person by the Board.

15. Previous Regulations Cancelled

The regulations respecting commercial air services made by the Air Transport Board under authority of the Aeronautics Act and approved by His Excellency the Governor General in Council, under Privy Council Order, P.C. 1175 dated the 27th day of February, 1945, as amended by Privy Council Order P.C. 4709 dated the 3rd of July, 1945, are hereby cancelled as of the date of the coming into force of these regulations.

16. Effective Date

These regulations shall be effective on publication in the *Canada Gazette.*

Note: The *Regulations respecting Commercial Air Services* were published in the *Canada Gazette* (Part II) on April 9, 1947 at page 737.

2. The Air Regulations

P.C. 2129

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 11th day of May, 1948.

Present:

His Excellency the Governor General in Council

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of the Aeronautics Act, Chapter 3 of the Revised Statutes of Canada, 1927, is pleased to approve and doth hereby approve the revocation by the Minister of Transport of the Air Regulations, 1938, which were established by Order in Council P.C. 1433 of June 23, 1938, and the substitution therefor by the said Minister of the attached "The Air Regulations".

N. A. ROBERTSON,
Clerk of the Privy Council.

Aeronautics Act—*continued*

The Air Regulations

PART I

Short Title and Interpretation

1. These regulations may be cited as The Air Regulations.

2. (1) In these regulations, unless the context otherwise requires:

(*a*) "Minister" means the Minister of Transport.

(*b*) "aircraft" comprises all machines which can derive support in the atmosphere from reactions of the air.

(*c*) "aerodyne" means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air.

(*d*) "aeroplane" means a mechanically driven aerodyne supported in flight by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight.

(*e*) "aerostat" means an aircraft supported in the air statically.

(*f*) "airship" means a mechanically driven aerostat with means of directional control.

(*g*) "glider" means an aerodyne not mechanically driven supported in flight by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight.

(*h*) "balloon" means an aerostat (free or captive) not mechanically driven.

(*i*) "aerodrome" means an area of land or water or other supporting surface normally used for the arrival and departure of aircraft.

(*j*) "airport" means an aerodrome designated by the Minister as such and constituting a centre for aerial traffic and containing installations necessary for such traffic.

(*k*) "Customs airport" means an airport appointed by the Minister with the concurrence of the Minister of National Revenue and the Minister of Mines and Resources as an airport at which aircraft from abroad may alight, and from which aircraft bound abroad may take off.

(*l*) "flying" or "in flight" in relation to an aircraft means that the aircraft is off every supporting surface.

(*m*) "taking off" in relation to an aircraft means the act of abandoning the support of a surface capable of supporting it and includes the immediately preceding and following acts; in relation to an airship or balloon it means the act of freeing the airship or balloon from restraint, and includes the immediately preceding and following acts.

(*n*) "alighting" in relation to an aircraft means the act of coming in contact with a surface capable of supporting aircraft, and includes the immediately preceding and following acts; in relation to an airship or free balloon it means the act of bringing the airship or free balloon under restraint, and includes the immediately preceding and following acts.

(*o*) "pilot" in relation to an aircraft includes the person in charge thereof.

Aeronautics Act—*continued*

(*p*) "Air Engineer" means a person who is the holder of an Air Engineer's Certificate issued by the Minister authorizing him to act as therein specified.

(*q*) "Airport Traffic Control Officer" means a person who is the holder of an Airport Traffic Control Officer's Certificate issued by the Minister authorizing him to act as therein specified.

(*r*) (1) "state," in relation to aircraft, means that the aircraft belongs to and is exclusively employed in the service of the Dominion of Canada, of one of the Provinces of Canada, or of some other of His Majesty's dominions.

(2) All state aircraft other than military, customs and police aircraft shall be treated as "commercial" aircraft, and as such shall be subject to all the provisions of these regulations.

(*s*) "commercial aircraft" means an aircraft operated or available for operation for remuneration or reward.

(*t*) "owner" when used with reference to an aircraft, means the person in whose name the aircraft is registered, and includes any person in possession of an aircraft under a contract providing that the ownership, title and property therein is to vest in him at a subsequent time upon payment of the whole or part of the price or the performance of any other condition, except when such aircraft is under *bona fide* lease or hire to some other person and is under the control of and being operated by such other person, when and in which event the lessee or hirer shall be deemed to be and shall be the owner of such aircraft within the meaning of these regulations.

(*u*) "operator" when used with reference to an aircraft, means the person who is in possession or control of the aircraft, whether as owner, lessee, hirer, or otherwise, and includes the pilot or person in charge thereof.

(*v*) "operator" when used with reference to an airport, means the holder of the airport licence, and includes the person in charge of such airport, whether the employee, agent or representative of the holder of the airport licence.

(*w*) "acrobatics" means any aerial manœuvres voluntarily accomplished other than those which are carried out in the course of normal flight or necessitated by an emergency or abnormal flight conditions.

(*x*) "Contracting State" means any state which is, for the time being, a party to the International Convention relating to Air Navigation, and these regulations shall apply to aircraft possessing the nationality of a state in respect of which state a derogation to His Majesty in the right of the Dominion of Canada has been granted under the protocol, as they apply to aircraft possessing the nationality of a contracting state.

(*y*) "night" means between half an hour after sunset and half an hour before sunrise, except in flights beyond Canada when it means between sunset and sunrise.

(*z*) "Scheduled Air Transport Service" means a service on which aircraft are operated regularly between two or more airports at prearranged specified times of arrival and departure.

(2) The Interpretation Act (R.S.C. 1927, c. 1) shall apply to the interpretation of these regulations.

Aeronautics Act—*continued*

PART II

Section I

Registration and Marking

1. (1) No aircraft shall be flown unless it has been registered as herein provided and bears the prescribed nationality and registration marks.

(2) This paragraph does not apply to aircraft duly registered in some other state or a foreign country with which Canada has made a Convention relating to interstate flying.

2. Subject as hereinafter provided, the Minister may define the conditions under which, and the mode in which aircraft may be registered in Canada.

3. No aircraft shall be registered in Canada unless (a) it is a civil aircraft owned by a British subject or subjects or by a company or corporation created or incorporated under and subject to the laws of any part of His Majesty's dominions, of which the president or chairman and two-thirds or more of the directors and other managing officers thereof are British subjects and in which at least seventy-five per centum of the voting interest is owned or controlled by British subjects, or unless (*b*) it is a civil aircraft owned by His Majesty in the right of Canada or of any of the Provinces of Canada or of any other of His Majesty's dominions.

4. No aircraft shall be registered in Canada while it is registered in any other of His Majesty's dominions, or in any foreign country, but it may be registered in Canada upon cancellation of an earlier registration in such other dominion or foreign country.

5. No aircraft shall be registered in Canada unless either it has been built or made in Canada or any customs duties which are or would become payable upon the importation of the aircraft into Canada have been paid.

6. (1) Upon every registration in Canada the Minister shall assign to the registered aircraft a registration mark and shall grant a certificate of registration for which there shall be payable a fee of five dollars.

(2) In the event of any change in the ownership of an aircraft registered in Canada, then

(*a*) the registration and certificate thereof shall lapse as from the date of such change of ownership, and

(*b*) the registered owner shall forthwith notify the Minister.

7. (1) When a registered aircraft has been destroyed or permanently withdrawn from use, the registered owner shall forthwith notify the Minister accordingly, and the registration and certificate thereof shall lapse as from the date of such notification.

(2) Certificates of registration shall not remain valid unless endorsed by the Minister at intervals not exceeding twelve calendar months.

8. (1) It shall be a condition of the registration in Canada of any aircraft that, upon the Governor in Council declaring that a national emergency exists or is immediately apprehended, every such aircraft shall

Aeronautics Act—*continued*

be subject to requisition in the name of His Majesty by the Minister or any officer of the Royal Canadian Air Force, and upon being so requisitioned shall become the property of His Majesty subject to its return or the payment of compensation or to both as may be provided by law.

(2) The registration in Canada of any aircraft registered in any of His Majesty's dominions other than Canada shall be subject to the like condition unless, under the law of that one of His Majesty's dominions in which the aircraft was registered, it is subject to a paramount right to be requisitioned on His Majesty's behalf.

9. Any certificate of registration of an aircraft may be suspended or cancelled at any time by the Minister for cause.

10. (1) Except aircraft flown only for the purpose of experiment or test wholly within Canada, no aircraft shall be registered until it shall have been certified as airworthy by the Minister.

(2) Every aircraft entering Canada from abroad shall be in possession of a certificate of airworthiness issued by the proper authority of the foreign country or of the Dominion, Colony or Possession of His Majesty in which it is registered.

11. (1) Certificates of airworthiness may be issued by the Minister, and may be limited to flying in specified areas, on specified routes, for specified periods, and upon compliance with specified conditions.

(2) Certificates of airworthiness shall not remain valid unless endorsed by the Minister at intervals not exceeding twelve months.

(3) Aircraft in respect of which a certificate of airworthiness has been issued, under these regulations, may be inspected, at any time by an authorized representative of the Minister, and the Minister may, as a result of such inspection, cancel or suspend the certificate of airworthiness of any aircraft deemed to be unsafe.

(4) Any certificate relating to the airworthiness of an aircraft may be cancelled or suspended at any time by the Minister for cause.

12. A fee of five dollars shall be payable for a certificate of airworthiness of an aircraft conforming to a type an example of which has been certified as airworthy in any of His Majesty's dominions or in any foreign country with which Canada has made a convention providing for the reciprocal acceptance of certificates of airworthiness. A fee of twenty-five dollars shall be payable for a certificate of airworthiness to any other aircraft.

Section II

Maintenance

13. The nationality and registration marks shall be displayed to the best possible advantage, taking into consideration the constructional features of the aircraft. The marks must always be kept clean and visible.

Aeronautics Act—*continued*

PART III

Airports

1. No area of land or water shall be used as an airport unless it has been licensed as herein provided.

2. Licences to airports may be issued by the Minister and may be made subject to such conditions respecting the aircraft which may make use of the airport, the maintenance thereof, the marking of obstacles in the vicinity which may be dangerous to flying and otherwise, as the Minister may direct.

3. A fee of ten dollars shall be payable for a licence for an airport.

4. The licence of an airport may be suspended or cancelled by the Minister at any time for cause and shall cease to be valid two weeks after any change in the ownership of the airport, unless sooner renewed to the new owner.

5. Every licensed airport shall be marked by day and by night as may be from time to time directed by the Minister.

6. The operator of any licensed airport shall be permitted to charge for the use of the airport or for any services performed only such fees as have been approved by the Minister for such airport. The tariff shall be prominently posted up at the airport.

7. (1) No person shall without authority of the Minister—

(*a*) mark any unlicensed surface or place with any mark or display any signal calculated or likely to induce any person to believe that such surface or place is a licensed airport;

(*b*) knowingly use or permit the use of an airport for any purposes other than those for which it has been licensed.

(2) The onus of proving the existence of any authority or licence shall be upon the person charged.

8. No water-craft shall cross or go upon that part of the water area forming part of any airport which it is necessary to keep clear of obstruction in order that aircraft may take off and alight in safety, having regard to the wind and weather conditions at the time, and every person in charge of a water-craft is guilty of a breach of these regulations if such craft crosses or goes upon such area after reasonable warning by signal or otherwise.

9. There shall be kept at every licensed airport a register in which there shall be entered immediately after the alighting or taking off of an aircraft a record showing the nationality and registration marks of such aircraft, the name of the pilot, the hour of such alighting or taking off, the last point of call before such alighting and the intended destination of the aircraft.

Aeronautics Act—*continued*

10. (1) Every licensed airport, and all aircraft and the goods therein shall be open to the inspection of any customs officer, immigration officer, officer or person holding or named in any Writ of Assistance or any officer of or other person authorized by the Minister, but no building used exclusively for purposes relating to the construction of aircraft or aircraft equipment shall be subject to inspection except upon the written order of the Minister.

(2) All state aircraft shall have at all reasonable times, the right of access to any licensed airport, subject to the conditions of the licence.

11. It shall be a condition of every licence to any airport that in case the Governor in Council declares that a national emergency exists or is immediately apprehended the owner of such airport shall comply with such directions, if any, with respect to the use of the airport as may be given by the Minister or an officer of the Royal Canadian Air Force, subject only to the payment of such compensation as may be provided by law.

12. The operator of a licensed airport may remove or cause to be removed from the water surface of such airport any logs or any other floating obstruction or obstacle which, in his opinion, constitute a menace to the safe operation of aircraft, and may convey or cause to be conveyed such logs or any thing causing or forming part of such obstruction or obstacle to such place as he thinks proper and to be there disposed of in the following manner:—

(*a*) Where the owner of the logs or other thing causing or forming such obstruction or obstacle is known, one month's notice in writing shall be given by registered post to the owner advising him of the amount of the cost incurred in removing and storing the logs or other thing and requiring the owner to pay such amount and take away the logs or other thing. In the event of failure on the part of the owner to pay the amount of such cost or to take away such logs or other thing within the time specified in the notice, the logs or other thing may be sold, disposed of or destroyed in such manner as the Minister deems advisable, and the proceeds of any sale, after deducting the expenses thereof, shall be applied to make good the expense incurred by the operator in removing and storing the logs or other thing and any surplus shall be paid to the owner.

(*b*) Where the owner of the logs or other thing causing or forming such obstruction or obstacle is not known, the logs or other thing may be sold, disposed of or destroyed in such manner as the Minister deems advisable, and the proceeds of any sale, after deducting the expenses thereof, shall be applied to make good the expense incurred by the operator in removing and storing the logs or other thing, and any surplus shall be paid to the Receiver General of Canada to form part of the Consolidated Revenue Fund.

Aeronautics Act—*continued*

PART IV

Personnel

1. (1) No person shall act—

(i) as pilot of any aircraft, or

(ii) as engineer or inspector of any commercial aircraft, or

(iii) as pilot, engineer or inspector of any aircraft registered in Canada when flying outside Canada, or

(iv) as airport traffic control officer

unless such person holds a certificate issued by the Minister authorizing him so to act.

(2) This paragraph shall not apply

(*a*) to persons under instruction flying over water or, with the consent of the owner or owners, over an aerodrome and such additional surrounding area as is approved by the Minister, or

(*b*) to pilots and engineers of aircraft registered in another contracting state, or a foreign country with which Canada has made a convention relating to interstate flying, who hold licences authorizing them to act as such, issued by the proper authority in the contracting state or foreign country in which the aircraft is registered.

2. (1) Certificates to pilots and engineers may be issued by the Minister and may be limited in time and to flying only under specified conditions, for specified purposes, in specified types of aircraft, on specified routes or otherwise.

(2) Licences issued by a competent authority within His Majesty's Dominions, Colonies or Possessions, to a pilot or engineer, shall for the purpose of these regulations have the same validity and effect as if they had been issued under these regulations.

3. Certificates to inspectors may be issued by the Minister and may be limited in time, to specified types of aircraft, or otherwise.

4. A fee not exceeding five dollars may be charged for any certificate issued under this Part.

5. No person who is not a British subject or a subject of a foreign country which grants reciprocal aeronautical privileges to Canadians on equal terms and conditions with subjects of such foreign country shall be issued with a certificate authorizing him to act as pilot, engineer, or inspector of commercial or state aircraft.

6. A certificate issued to any pilot, engineer, inspector or airport traffic control officer may be suspended or cancelled at any time by the Minister for cause, including the failure to comply beyond Canada with the provisions of these regulations.

Aeronautics Act—*continued*

PART V

RULES AS TO LIGHTS AND SIGNALS—RULES FOR AIR TRAFFIC

Definitions

For the purposes of the present Part:

(*a*) An aircraft shall be deemed to be "on the surface of the water" when any part of such aircraft is in contact with the water;

(*b*) An aircraft in the air or on the surface of the water shall be deemed to be "under way" when it is not moored to the ground or to any fixed object on the land or in the water;

(*c*) An aircraft under way in the air or on the surface of the water shall be deemed to be "making way" when it has a velocity relative to the air or water respectively;

(*d*) An aircraft shall be considered as not being "under control" when it is unable to execute a manoeuvre as required by this Part or by the International Regulations for Preventing Collisions at Sea;

(*e*) The word "visible" when applied to lights shall mean visible on a dark night with a clear atmosphere. The angular limits laid down in this Part, as shown in Section I below, shall be determined when the aircraft is in its normal attitude for flying on a rectilinear horizontal course;

(*f*) The term "plane of symmetry" applied to an aircraft means the plane of symmetry passing through the longitudinal axis of the aircraft.

Section I

LIGHTS AND VISUAL SIGNALS TO BE DISPLAYED BY AIRCRAFT

A.—*General*

1. All lights required by these regulations to be displayed by aircraft shall be so displayed in all weathers at night. During such time no lights capable of being mistaken for the lights prescribed in Part B of this Section other than those authorized by the International Convention for Air Navigation shall be exhibited. The lights prescribed in Part B of this Section must not be dazzling.

2. (*a*) In the event of the failure of any light which is required in Part B of this Section to be displayed by aircraft in flight, the aircraft concerned shall if the light cannot immediately be repaired or replaced, not take off again until such light has been repaired or replaced;

(*b*) Where, owing to the difficulty of producing lamps to meet the requirements specified in Part B of this Section as regards sector lights, an overlap of these lights is unavoidable, it shall be kept as small as possible; there shall be no sector in which no light is visible.

Aeronautics Act—*continued*

3. Nothing in the rules of this Section shall interfere with the operation of any special rules made with respect to the additional signal or station lights for military aircraft, aircraft exclusively employed in State service, or aircraft in group formation, or with the exhibition of recognition signals adopted by owners of aircraft, with the authorization of the Governor in Council.

B.—*Lights and Visual Signals to be Displayed by Aircraft*

1. *Mechanically Driven Aerodynes*

4. Every mechanically driven aerodyne in the air, on the landing area of a land aerodrome or under way on the surface of the water, shall display the following lights:—

(*a*) On the right side, a green light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right; this light must be visible at a distance of at least two miles;

(*b*) On the left side, a red light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left; this light must be visible at a distance of at least two miles;

(*c*) At the rear, a white light, fixed so as to show astern an unbroken light throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft; this light must be visible at a distance of at least three miles.

In cases where, in order to fulfil the conditions of this paragraph, the single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one of them can be seen at a time.

In the case of an aerodyne with a maximum span of less than sixty-five feet, the lights prescribed in this paragraph may be combined in one or more lamps placed centrally, provided that the conditions of this paragraph as to colour and visibility are fulfilled.

5. Every mechanically driven aerodyne, whether at anchor or moored on the surface of the water, shall display where it can best be seen, a white light visible all round the horizon at a distance of at least one mile.

2. *Gliders and Free Balloons*

6. (*a*) In all cases in which, under the rules of this Section, mechanically driven aerodynes are required to display lights, gliders shall display a red light visible so far as practicable in all directions;

Aeronautics Act—*continued*

(*b*) A free balloon shall display a red light placed at least 16 feet and at most 32 feet below the basket and visible, so far as practicable in all directions, at a distance of at least two and a half miles.

3. *Captive Balloons and Kites*

7. (*a*) A captive balloon or a kite, when flown at an altitude exceeding 200 feet above the ground, or at any altitude if it is less than three miles from an aerodrome or from a recognized air route, shall display a white light placed twelve feet vertically above a red light, these lights to be visible, so far as practicable in all directions, at a distance of at least two and one-half miles. The white light shall be placed at least 16 feet and at most 32 feet below the basket or, if there is no basket, below the lowest part of the balloon or kite. From the mooring cable shall be displayed, at intervals of 1,000 feet measured from the group of two lights prescribed in this sub-paragraph, similar groups of two lights, white and red. If the lowest group of lights is obscured by clouds, one additional group shall be displayed below the cloud base;

In addition, the position of the object to which the balloon or kite is moored on the ground shall be marked by a group of three flashing lights arranged on a horizontal plane at the apexes of a triangle approximately equilateral and measuring at least 82 feet on each side; the side of this triangle, perpendicular to the horizontal projection of the cable, shall be delimited by two red lights; the third light shall be a green light placed opposite the direction of the cable;

(*b*) By day the mooring cable of a captive balloon shall have attached to it, at intervals of not more than 650 feet measured from the basket or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 16 inches in diameter and 7 feet long, and marked with alternate bands of white and red, 20 inches in width;

(*c*) By day the mooring cable of a kite shall be marked in the manner prescribed in sub-paragraph (*b*) above for a captive balloon, or else by streamers of stout paper at intervals of 300 feet measured from the lowest part of the kite. Such streamers, which shall be at least 31 inches long and at least 12 inches wide in their widest part, shall be marked with alternate bands of white and red, 4 inches in width;

(*d*) By way of exception to the rules of this paragraph, captive balloons and kites used for meteorological observations, which, owing to their insufficient static lift, cannot display the lights and signals prescribed in this paragraph, may be flown, but only over areas which are notified as danger areas by notices to airmen. In every case, the position of the object to which the balloon or kite is moored to the ground shall be marked as provided in this paragraph.

Aeronautics Act—*continued*

4. *Airships*

8. Except as provided in paragraph 9 below, an airship when under way shall display the following lights:

(*a*) Forward, a white light, fixed so as to show forward an unbroken light throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft; this light must be visible at a distance of at least 5 miles;

(*b*) On the right side, a green light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right; this light must be visible at a distance of at least 5 miles;

(*c*) On the left side, a red light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left; this light must be visible at a distance of at least 5 miles;

(*d*) At the rear, a white light, fixed so as to show astern an unbroken light throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft; this light must be visible at a distance of at least 3 miles.

In cases where, in order to fulfil the conditions of this paragraph, the single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one can be seen at a time.

9. An airship which is under way and which is not under control (or which has voluntarily stopped its engines), or which is being towed, shall display the forward and rear lights specified in sub-paragraphs (*a*) and (*d*) of paragraph 8 above and, in addition, below the airship, two red lights placed vertically one below the other, 13 feet apart, the top light being 26 feet below the control car, and both visible, so far as practicable in all directions, at a distance of not less than two and one-half miles.

In addition, it shall, if making way, but not otherwise, display the side lights described in sub-paragraphs (*b*) and (*c*) of paragraph 8 above.

By day, it shall display two black balls or shapes, each at least 24 inches in diameter, placed vertically one below the other 13 feet apart, the upper one being 26 feet below the control car, and both visible so far as practicable in all directions. Where necessary, to comply with these conditions, these signals may be duplicated.

10. (*a*) An airship when moored to a mooring mast shall display at or near the rear a white light visible, so far as practicable in all directions, at a distance of at least 3 miles;

(*b*) Every airship moored to the ground or the surface of the water by a cable shall display forward the white light described in sub-paragraph (*a*) of paragraph 8 of this Part and at the rear the white light described in sub-paragraph (*d*) of paragraph 8 of this Part. In addition, the airship and the mooring cable shall be lighted or marked in accordance with the requirements of paragraph 7 of this Part for a captive balloon.

Aeronautics Act—*continued*

(*c*) An airship while picking up its mooring, although considered as being under way and not being under control, shall, however, display only the lights prescribed in paragraph 8 of this Part, until it is finally made fast.

Section II

Ground Markings and Signalling

A.—*General*

11. The meanings given to the various markings, lights and signals in this Section are reserved to them exclusively.

The location of the ground signals and signal areas provided for in Part B of this Section, at aerodromes open to public use, should as far as possible be indicated in notices to airmen and in plans of aerodromes which are published.

B.—*Ground Markings*

Lights and Signals on and in the Vicinity of Aerodromes Open to Public Use

12. At every land aerodrome open to public use, the boundaries of the landing area shall, by means of suitable markings, be rendered clearly visible both to aircraft in the air and to aircraft manoeuvring on the landing area. In addition, a circle marking may be placed on the landing area. All obstructions existing on a landing area shall be clearly marked. In case part of the marked landing area should become unfit for use, this part shall be delimited by clearly visible markings or flags, and may, in addition, be indicated by one or more clearly visible crosses.

13. At every aerodrome open to public use:

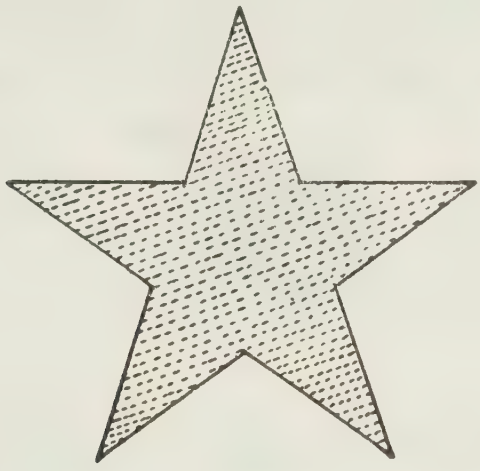
(*a*) (1) The direction of the wind at the landing area shall be clearly indicated by one or more of the recognized methods, e.g., conical streamers, smudge fire, etc.;

(2) If there is a landing T, it shall be used to indicate the compulsory direction for landing and taking off, even should such direction not correspond to the direction of the wind. Normally, the T shall be so placed that the long arm lies along the direction of the wind, with the cross arm set at that end of the long arm from which the wind is blowing. In the event of there being no wind or a slight irregular wind, the T shall be fixed in the direction in which the landing or departure is to be made, and the fact that it is fixed shall be signalled by the presence of a ball, mounted on a mast on the signal area and clearly visible both to aircraft in flight and to those manoeuvring on the landing area;

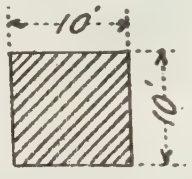
(*b*) When, by way of exception, at certain aerodromes, the landing area is regarded as divided into two approximately equal zones, one for departure and the other for landing, as provided for in paragraph 43 of this Part, this special arrangement must be

Aeronautics Act—*continued*

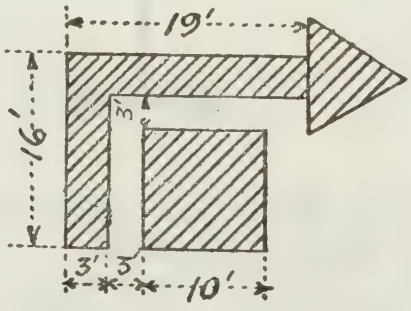
indicated by a full star of five points (constituted by a regular non-convex pentagon which could be inscribed in a circle of not less than 50 feet diameter).



(*c*) (1) When in conformity with paragraph 35 of this Part, the Minister suspends wholly or partially, in respect of a given aerodrome, the application of the special rules for air traffic mentioned in Section V of the said Part, such suspension shall be indicated by a red square panel, each side of which measures at least 10 feet, placed horizontally;



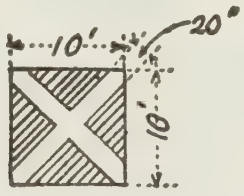
(2) If, during such suspension, it is prescribed among other things that circuits outside the landing area and those for taking off and landing, which are referred to in paragraph 37 (*b*) and 41 of this Part, are to be right-handed, the red square panel, prescribed in sub-paragraph (*c*) (1), above, shall, along two of its sides, be bordered by a red rectangular panel at least 3 feet in width, separated from the central panel by at least 3 feet. At the extremity of one of the rectangular panels shall be placed a red triangle so as to indicate that the direction of the circuit is right-handed;



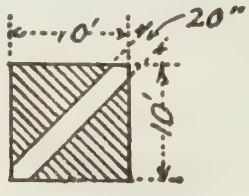
(3) If, however, the only object of the suspension is that circuits should be right-handed, the red square panel shall not be displayed.

Aeronautics Act—*continued*

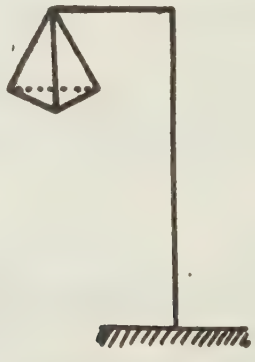
(*d*) (1) When special circumstances call for a prohibition to land liable to be prolonged, use shall be made of a red square panel, placed horizontally, each side of which measures at least 10 feet and the diagonals of which are covered by yellow strips at least 20 inches in width, arranged in the form of an X;



(2) When the bad state of the landing area or any other reason calls for the observance of certain precautions in landing, use may be made of a red square panel, placed horizontally, each side of which measures at least 10 feet and one of the diagonals of which is covered by a yellow strip at least 20 inches in width;



(3) When a landing by means of a radio-electric guide is taking place, the fact may be signalled by hoisting on a mast a yellow triangular equilateral pyramid, each side of which measures at least 7 feet;



(4) The use of the signals provided for in subparagraphs (*d*) (2) and (*d*) (3) above is optional.

(*e*) The signals referred to in the above sub-paragraphs of this paragraph shall, whenever possible, be displayed in a special part of the aerodrome selected as a signal area; by way of exception, the wind indicators and the landing T referred to in sub-paragraph (*a*) of this paragraph may be located elsewhere.

Aeronautics Act—*continued*

(*f*) During periods of poor visibility, the lights existing for night lighting shall be operated by day, whenever possible and in so far as necessary.

14. I. At every aerodrome open to public use and used for night flying, the following provisions shall apply during the working hours of the night service:

(*a*) Dangerous lights.

No lights shall be exhibited at or in the neighbourhood of an aerodrome which may endanger the safety of aircraft, whether by reason of glare, or by causing confusion with or preventing clear visual reception of the lights or signals prescribed in this Part.

(*b*) Aerodrome beacon.

The position of the aerodrome may be indicated by a luminous beacon.

II. At every land aerodrome open to public use and used for night flying, the following provisions shall apply during the working hours of the night service:

(*a*) Lighting of obstructions.

Fixed red lights shall be exhibited:

(1) On all obstructions within the landing area which constitute a danger to aircraft in motion on the landing area;

(2) As far as possible, on all obstructions within 1 mile of the boundary of the landing area and constituting a danger to aircraft approaching or leaving the aerodrome in a normal manner. In case it should be impossible to exhibit fixed red lights on such obstructions, their horizontal projection and the centre of the obstructions shall, as far as possible, be clearly indicated by synchronized red flashing or occulting lights, placed on a level with or near to the ground.

(*b*) Lighting of landing T and of wind indicators.

The landing T, if used, and at least one of the wind indicators shall be illuminated with fixed lighting, preferably white.

(*c*) Lighting of signals.

The signals displayed in the signal area shall be suitably illuminated.

(*d*) Lighting of landing area.

(1) The landing area or the part thereof on which landings should be made shall be illuminated by a floodlight or floodlight system during landing manœuvres;

(2) In default, one of the following methods may be used:

First Method: A line of lights spaced 165 feet apart shall be laid out on the ground, consisting of a central section of six white lights to indicate that landings should be made on the adjacent portion of the landing area and on either side of this line, with at least two green lights at one end, and at least two red lights at the other end to indicate that landings should be made from the direction of the green lights towards the red lights.

Aeronautics Act—*continued*

Second Method: Lights shall be laid out on the ground in the form of a T, the long arm of which shall be composed of at least four lights in a line not less than 820 feet in length. The light at the foot of the T shall indicate the place where the aerodyne should first make contact with the ground and the cross arm of the T shall indicate the place where it should finish its run. Landings may be made on either side of the long arm of the T, but always parallel to that arm; in the event, however, of the area situated on either side of the long arm becoming obstructed, the light indicating the cross arm on that side shall be removed and landing shall be effected on the opposite side.

The direction of landing and take off will be given by the two alternative methods referred to above; the landing T referred to in sub-paragraph 2 of paragraph 13 of this Part shall not, therefore, be used.

(*e*) Approach lighting.

The most favourable sectors of approach to the landing area may be indicated by green lights.

(*f*) Boundary lighting.

The boundary of the landing area shall be marked by fixed white or yellow lights, normally laid out 300 feet apart.

Provided that:

When local conditions render unavoidable the use of gas boundary lights, they may be given an intermittent character.

III. At every water aerodrome open to public use and used for night flying, the rules provided in sub-paragraph II of this paragraph shall equally apply, except in cases of obvious impossibility.

C.—*Distress, Urgency and Safety Signals*

15. I. The following general provisions apply to all distress, urgency and safety signals:

(*a*) The signals referred to in this paragraph may be transmitted only with the authorization of the commander or person responsible for the aircraft;

(*b*) When these signals are sent by radiotelegraphy or radiotelephony, the group or spoken expression shall be sent three times and followed by the group DE and the call sign, also sent three times, of the station which sends it. In the case of "safety" messages, the frequency to be employed is that for "distress" messages.

II. Distress signals.

When an aircraft is threatened by grave and imminent danger and requests immediate assistance, the following signals shall be used or displayed, either together or separately, before the sending of a message

(*a*) By radiotelegraphy:

The signal - - - — — — - - - (*See* Note (1)).

Aeronautics Act—*continued*

(*b*) By radiotelephony:

The spoken expression "MAYDAY" (corresponding to the French pronunciation of the expression "m'aider").

(*c*) By visual signalling:

(1) The signal - - - — — — - - - with signalling apparatus.

(2) A succession of red pyrotechnical lights fired at short intervals.

(3) The two-flag signal corresponding to the letters NC of the International Code of Signals (*See* Note (2)).

(4) The distant signal, consisting of a square flag having, either above or below it, a ball or anything resembling a ball (*See* Note (2)).

(*d*) By sound signalling:

(1) The signal - - - — — — - - - with any sound apparatus.

(2) A continuous sounding with any sound apparatus (*See* Note (2)).

NOTE (1).—When the signal II (*a*) above is sent by radiotelegraphy on 500 kc/s (600 m.), it shall, when possible, in order to be received by automatic maritime apparatus, be followed by the automatic alarm signal consisting of a series of twelve dashes of four seconds each, separated by an interval of one second.

NOTE (2).—The signals II (*c*) (3), II (*c*) (4) and II (*d*) (2) above are normally for use by seaplanes on the surface of the water, but they may also be used by aircraft in the air.

III. Urgency signals.

(*a*) When an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance, the following signals shall be used, either together or separately, before the sending of a message:

(1) By radiotelegraphy:

The group PAN, the letters of which must be well separated so that the signals AN may not be transformed into one signal P.

(2) By radiotelephony:

The spoken expression PAN (corresponding to the French pronunciation of the word "panne").

In cases where, owing to the rapidity of the manoeuvres to be executed, the aircraft is unable to transmit the intended message by radiotelegraphy or radiotelephony, the signal PAN not followed by a message retains this meaning.

(3) By visual signalling:

By day: A succession of white pyrotechnical lights.

By night: A succession of white pyrotechnical lights, or a succession of short and intermittent flashes with the navigation lights.

(*b*) When an aircraft has a very urgent message to transmit concerning its own safety, or that of an aircraft, ship or vehicle, or the safety of any person on board or within sight, the following

Aeronautics Act—*continued*

signals shall be used, either together or separately, before the sending of the message. As a general rule they are addressed to a specific authority.

(1) By radiotelegraphy:

The group XXX;

The letters of each group and the successive groups shall be clearly separated from each other.

(2) By visual signalling:

Either a succession of green pyrotechnical lights; or a succession of green flashes with signalling apparatus.

IV. Safety signals.

When an aircraft is about to transmit a message concerning the safety of navigation or giving important meteorological warnings, the following signals shall be used, either together or separately, before the sending of a message:

(*a*) By radiotelegraphy:

The group T T T;

The letters of each group and the successive groups shall be clearly separated from each other.

(*b*) By radiotelephony:

The French word "SECURITE" (to which correspond in English pronunciation the syllables SAY-CURE-E-TAY).

(*c*) By visual signalling:

International visual signalling procedure, by signalling apparatus or flags.

D.—*Other Signals to or from Aircraft*

16. At aerodromes open to public use:

(*a*) By day and by night, when there is an officer controlling the traffic, he shall, except as permitted by sub-paragraph (*b*) of this paragraph, use the following visual signals:

(1) To authorize movement on the landing area, but excluding authorization to take off, he shall direct at the aircraft an intermittent green luminous beam.

(2) To authorize taking off, he shall direct at the aircraft a continuous green luminous beam.

(3) To prohibit taking off or any movement on the landing area, he shall direct at the aircraft an intermittent red luminous beam.

The signals (*a*) (1), (*a*) (2) and (*a*) (3) above may be preceded by the last three letters of the registration group of the aircraft to which the signal is addressed; these three letters shall be sent in the International Morse Code, by using a luminous beam of the same colour as the signal which is to be sent.

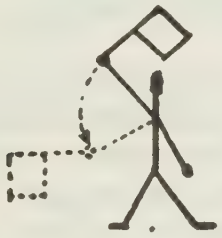
(*b*) By day, when there is on the landing area an officer controlling the traffic, he may use the following signals:

Aeronautics Act—*continued*

(1) To authorize movement on the landing area, but excluding authorization to take off, he shall wave a small white or green flag in the direction to be followed:



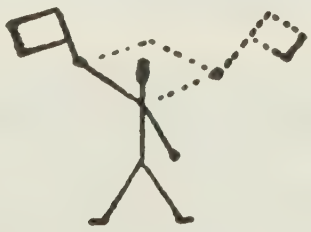
(2) To authorize taking off, he shall lower a small white or green flag in the direction of taking off;



(3) To prohibit taking off or movement towards the taking off point, he shall raise a small red flag;



(4) To prohibit landing, he shall wave a small red flag vertically above his head.



(*c*) An aircraft wishing to land at night, without being compelled to do so, on an aerodrome having a ground control, shall, before landing, ask permission by a signal made either by radiotelegraphy or radiotelephony or by means of a lamp or a projector, the use of the navigation lights for this purpose not being permissible.

Aeronautics Act—*continued*

The visual signal, sent by International Morse Code, shall be composed of the last three letters of the registration group of the aircraft; this signal shall be repeated for as long as may be necessary.

The reply will be given from the ground to the aircraft either by radiotelegraphy or radiotelephony or by visual signal, it being understood that when permission has been asked by visual signal the reply shall always be by visual signal. The visual signal shall consist of a repetition of the same three-letter sign made with the signalling lights of the aerodrome.

These signalling lights shall be constituted either by a group of lights arranged on a horizontal plane at the apexes of an equilateral triangle, each side of which measures from 3 to 10 feet, or by a luminous beam directed at the aircraft.

The colour green shall be used to give permission to land and the colour red to prohibit landing.

17. At every aerodrome, the firing of a red pyrotechnical light or the display of a red flare from the ground, whether by day or by night and notwithstanding any previous permission, shall be taken as an instruction to aircraft in flight that they are not to land for the moment and to aircraft manoeuvring on the landing area that they are to stop moving.

At aerodromes provided with the triangular device provided for in paragraph 16 (*c*) above, the emission by such device of intermittent red lights shall, whether by day or by night and notwithstanding any previous permission, instruct aircraft in flight that they are not to land for the moment.

18. To require an aircraft to land, the following signals shall be used:

(*a*) By day: a series of projectiles discharged at intervals of ten seconds, each showing, on bursting, black smoke.

(*b*) By night: a series of projectiles discharged at intervals of ten seconds, showing, on bursting, black smoke, white lights or stars.

In addition, if it is necessary to distinguish, amongst several, the aircraft which is to land, an intermittent white luminous beam shall be directed at that aircraft.

Provided that, when the authority who desires to give the order to land is able to establish a radio-electric communication with the aircraft, this order may be given by using the means of communication established.

19. To warn an aircraft that it is in the vicinity of prohibited area and should change its course, the following signals shall be used:

(*a*) By day: a series of projectiles discharged at intervals of ten seconds, each showing, on bursting, orange smoke.

(*b*) By night: a series of projectiles discharged at intervals of ten seconds, showing, on bursting, orange lights or stars.

Provided that, when the authority who desires to prescribe the change of course referred to in this paragraph is able to establish a radioelectric communication with the aircraft, this order may be given by using the means of communication established.

Aeronautics Act—*continued*

Section III

General Rules for Air Traffic

20. Subject to the provisions of paragraphs 27 and 33 (*a*) of this Part, mechanically driven aerodynes shall always give way to aerodynes not mechanically driven and to aerostats, and mechanically driven aerostats to aerostats not mechanically driven and to aerodynes.

21. An airship which is under way and which is not under control (or which has voluntarily stopped its engines) shall, for the application of the rules of this Section, be classed as a free balloon.

22. When circumstances permit, an aircraft can ascertain risk of collision with another aircraft by carefully watching the successive compass bearings and angles of elevation of the latter. It shall consider that risk of collision with this other aircraft exists if neither the bearing nor the angle of elevation changes appreciably and if the distance between the two aircraft diminishes.

The term "risk of collision" includes all risk of accident due to undue proximity of other aircraft.

23. Every aircraft which is required by the rules of the foregoing paragraphs of this Section to give way to another to avoid collision, shall keep a safe distance, having regard to the circumstances of the case.

24. While observing the provisions relative to risk of collision contained in paragraphs 22 and 23 above, a mechanically driven aircraft must always manoeuvre according to the rules contained in paragraphs 25 to 29 hereafter, as soon as it is apparent that, if it pursued its course, it would not pass clear of another aircraft.

25. When two mechanically driven aircraft are meeting end on or nearly end on, each shall, without prejudice to the application of the provisions of paragraph 20 of the present Part, alter its course to the right.

26. Subject to the application of the provisions of paragraphs 20 and 33 (*c*) of this Part, when two mechanically driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.

27. An aircraft overtaking any other shall keep out of the way of the overtaken aircraft by altering its own course to the right, and must not pass by diving.

Every aircraft coming up with another aircraft from any direction more than 110° from ahead of the latter, i.e., in such a position with reference to the aircraft which it is overtaking that at night it would be unable to see either of that aircraft's side lights, shall be deemed to be an overtaking aircraft, and no subsequent alteration of the bearing between the two aircraft shall make the overtaking aircraft a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the overtaking aircraft until it is finally past and clear.

Aeronautics Act—*continued*

As by day the overtaking aircraft cannot always know with certainty whether it is forward or abaft the direction mentioned above from the other aircraft, it should, if in doubt, assume that it is an overtaking aircraft and keep out of the way.

28. Every aircraft which is obliged by the rules of this Part to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid passing over or under the other, or crossing ahead of it.

29. Where, by any of the rules of this Part, one of two aircraft is to keep out of the way, the other shall keep its course and speed. When, however, in consequence of thick weather or any other cause, the aircraft having the right of way finds itself so close that collision cannot be avoided by the action of the giving-way aircraft alone, it shall take such action as will best aid to avert collision.

30. Every aircraft in a cloud, fog, mist or other conditions of bad visibility, shall proceed with due care, regard being had to the existing circumstances.

Every aircraft flying beneath clouds shall always do so, so far as it is safe and practicable, at such a distance below the clouds as will enable it readily to see and be seen.

31. In order to obviate the increased risk of collision which exists on air traffic routes, the following rules shall be observed by aerodynes and airships when flying on or in the vicinity of such routes:

(*a*) An aircraft flying by compass along the straight line (rhumb line) joining two points on an air traffic route in common use, shall keep such line at least 1 mile on its left;

(*b*) An aircraft following, either an officially recognized air traffic route, or a route frequented by an aircraft and indicated on the ground by a line of landmarks such as a road, railway, river, canal, coastline, etc., shall keep such route at least 1,000 feet on its left;

(*c*) An aircraft shall not fly keeping on its right any of the lines or routes referred to in this paragraph, except at a distance therefrom sufficient to avoid aircraft following such lines or routes in accordance with the rules of this paragraph;

(*d*) An aircraft crossing one of the lines or routes referred to in this paragraph shall cross it at right angles as rapidly as possible;

(*e*) In the case of pre-arranged flights in group formation, the aircraft of the leader of the group shall lead the flight in such a manner that every aircraft in the group can comply with the above rules of this paragraph.

32. To facilitate the application of the rules for air traffic contained in this Part, the pilot of a mechanically driven aerodyne shall, save in exceptional circumstances, be placed either in the plane of symmetry of the aerodyne or on the left-hand side of such plane.

Aeronautics Act—*continued*

Section IV

SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF ALL AERODROMES

33. The rules of this Section shall be applied on and in the vicinity of all aerodromes:

(*a*) Aircraft about to land on an aerodrome shall be given free way;

(*b*) An aircraft about to take off shall not attempt to do so until there is no risk of collision with another aircraft;

(*c*) In the case of two mechanically driven aerodynes approaching an aerodrome for the purpose of landing, the aerodyne flying at the greater height shall be responsible for avoiding the aerodyne at the lower height, but the latter shall, if the contingency arises, comply with the provisions of paragraph 27 of this Part.

Section V

SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF AERODROMES OPEN TO PUBLIC USE

A.—*General*

34. (*a*) The rules of this Section shall be applied on and in the vicinity of aerodromes open to public use.

They concern only land and water aerodromes for mechanically driven aerodynes, which are designated in this Section by the single word "aerodynes".

(*b*) Aerodynes not mechanically driven on and in the vicinity of aerodromes open to public use shall comply with the rules of this Section as far as possible.

35. The application of the rules of this Section may be temporarily suspended by the Minister, partially or wholly, in respect of a given aerodrome.

In such cases the suspension shall be indicated by the appropriate signals provided for in paragraph 13 (*c*) of this Part.

36. At land aerodromes, a netural zone, situated along the perimeter of the landing area and at the approaches to the hangars, may be set apart for aerodynes manoeuvring on the ground.

B.—*Flight Over or in the Vicinity of the Landing Area*

37. Subject to any special local regulations which may exist:

(*a*) Flight over a landing area at a lower height than 2,000 feet is prohibited for aerodynes, save in the case of a departure or landing;

(*b*) Every aerodyne flying outside a landing area at a distance of less than 6,000 feet from the nearest point of such area shall, unless it is flying at a greater height than 2,000 feet, keep the landing area on its left.

38. Aerodynes are prohibited from engaging in aerial acrobatics in the vicinity of aerodromes, at a distance of less than five miles from the nearest point of the perimeter of the aerodrome, unless they are flying at a greater height than 6,000 feet.

Aeronautics Act—*continued*

39. When an aerodyne is about to land by means of a radioelectric guide, other aerodynes, in order to avoid collision, must conform to any local rules in force which may be applicable or, in default of such rules, fly as low as possible below the clouds.

40. No fixed balloon or kite shall be elevated in the vicinity of an aerodrome without a special authorization.

C.—*Rules to be Observed for Departures and Landings*

41. If an aerodyne starting from or about to land on an aerodrome makes a circuit or partial circuit, the turning must be made clear of the landing area and must be left-handed (anti-clockwise), so that during such circuit the landing area shall always be on its left.

As an exception, the turning must be right-handed when the signal indicated in paragraph 13 (*c*) (2) or in paragraph 13 (*c*) (3) of this Part is displayed.

42. (*a*) Every aerodyne taking off from or landing at an aerodrome shall do so upwind, except when the natural conditions of the aerodrome do not permit. If, however, there is a landing T as provided for in paragraph 13 (*a*) (2) of this Part, or a line of lights as provided for in paragraph 14 II (*d*) (2) of the said Part, the aerodyne shall take off or land in the direction indicated by this T (i.e. by following the direction of the long arm of the T towards the cross arm of that T) or by the line of lights;

(*b*) Landings shall be preceded by a descent in a straight line, commencing at least *3,000* feet outside the perimeter of the landing area;

(*c*) Every aerodyne landing at an aerodrome shall leave clear on its left any aerodyne which has already landed or is already landing, or which is taking off or about to take off;

(*d*) Every aerodyne taking off from an aerodrome shall leave clear on its left any aerodyne which is already taking off;

(*e*) In observing the rules of this paragraph, every aerodyne, when landing or taking off, shall leave a reasonable space on its right for other aerodynes to land or take off;

(*f*) At an aerodrome, taking off or landing simultaneously by two or more aerodynes, unless pre-arranged, is prohibited;

(*g*) For the purposes of this paragraph, two or more aerodynes taking off or landing simultaneously by pre-arrangement shall be regarded as a single aerodyne.

43. By way of exception, at certain aerodromes, the landing area may be regarded as divided into two approximately equal zones, by a vertical plane in the direction of departure and landing defined in paragraph 42 (*a*) above. For an observer facing in the direction towards which departures and landings are to be made, the zone on the right will be the one reserved for landings and the zone on the left the one reserved for departures. This special arrangement must be indicated by the signal provided for in paragraph 13 (*b*) of this Part.

Every aerodyne landing at one of these aerodromes shall do so in conformity with the provisions of paragraph 42 (*a*) and (*b*) above, as far

Aeronautics Act—*continued*

as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other aerodyne which has already landed or which is landing.

Every aerodyne taking off from one of these aerodromes shall do so in conformity with the provisions of paragraph 42 (*a*) above, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other aerodynes which are already taking off.

44. On land aerodromes having a ground control, no aerodyne having proceeded on to the landing area with the intention of taking off shall take off until it has received permission to do so by the signal prescribed in paragraph 16 (*a*) (2) or 16 (*b*) (2) of this Part.

D.—*Rules to be Observed for Manoeuvres on the Ground*

45. (*a*) Land aerodromes.

Every aerodyne moving on the ground in the landing area shall normally do so in the direction of landing. It may, however, in order to shorten its course, cross the landing area to reach its take-off point or the boundary, provided that, in the course of such movement, turns are always made to the left, that it gives free way to every aircraft leaving or landing, and that it conforms to the general air traffic rules (paragraphs 25 to 29 of this Part).

(*b*) Water aerodromes.

The rules for land aerodromes contained in sub-paragraph (*a*) above apply equally to water aerodromes, subject, however, to the provisions contained in paragraph 47 of this Part.

46. On aerodromes having a ground control, in addition to the observance of the rules of paragraph 45 above, no aerodyne shall proceed on to the landing area until it has received permission to do so by the signal prescribed in paragraph 16 (*a*) (1) or 16 (*b*) (1) of this Part.

Section VI

RULES RELATING TO AIRCRAFT ON THE SURFACE OF THE WATER

47. Every aircraft manoeuvring under its own power on the water shall conform to the International Regulations for Preventing Collisions at Sea, and for the purposes of the said regulations shall be deemed to be a steam vessel.

Provided that:

(*a*) In conforming with the above-mentioned regulations, it shall be borne in mind that steam vessels in narrow channels are not able to manoeuvre so as to avoid collisions with aircraft;

(*b*) The aircraft shall carry only the lights specified in Section I of this Part, and not those prescribed for steam vessels in the said International Regulations for Preventing Collisions at Sea.

Aeronautics Act—*continued*

Section VII

MISCELLANEOUS PROVISIONS

48. The dropping of ballast other than fine sand or water from aircraft in the air is prohibited.

49. In conforming with the rules of Sections III, IV and V of this Part, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from these rules necessary in order to avoid immediate danger.

50. When an aircraft of a contracting State is in the territory of a non-contracting State, the provisions of this Part shall apply to it only in so far as they do not confiict with the laws of that non-contracting State.

PART VI

DANGEROUS FLYING

1. No aircraft shall fly over any city, town or village except at such an altitude as will enable the aircraft to alight outside the city, town or village should the means of propulsion fail through mechanical breakdown or other cause, except for the purpose of alighting at or immediately after taking off from a licensed airport.

2. No person in any aircraft shall—

(*a*) carry out any acrobatic flying over any city or town area or populous district; or

(*b*) carry out any acrobatic flying or exhibition flying over any regatta, race meeting, or meeting for public games or sports, except when especially arranged for in writing by the promoters of such regatta or meeting and authorized by the Minister; or

(*c*) carry out any flying which, by reason of low altitude or proximity to persons or dwellings, is dangerous to public safety; or

(*d*) drop or cause or permit to be dropped from an aircraft any article capable of causing injury or damage, except mail with the authority of the Postmaster General, and emergency supplies.

(*e*) Unless he is an authorized flying instructor actually engaged in giving dual instruction or is alone in the aircraft, permit or cause such aircraft to roll, spin, loop or execute any other evolution involving unnecessary risk.

3. No person shall enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent; or give upon any aircraft in flight, any gymnastic or other like exhibition.

Aeronautics Act—*continued*

PART VII

Commercial Air Services

1. In this Part, unless the context otherwise requires:

(*a*) "air carrier" means any person who operates a commercial air service;

(*b*) "commercial air service" means any use of aircraft in or over Canada for hire or reward.

2. No air carrier shall operate any commercial air service unless and until an operating certificate has been issued by the Minister to such air carrier certifying that the holder is adequately equipped and able to conduct a safe operation as an air carrier over the prescribed route or in the prescribed area.

3. The operating certificate referred to in paragraph 2 of this Part shall be in such form as the Minister may approve, and shall contain such terms and conditions as the Minister may prescribe for the operation of the service

PART VIII

General Provisions

1. (1) No aircraft carrying explosives shall carry a passenger other than the owner of the explosives or his accredited representative.

This regulation does not apply to ammunition permitted for hunting or sporting purposes or required as emergency equipment.

(2) No person shall send or take upon any aircraft any explosives without distinctly marking their nature on the outside of the package containing the same and otherwise giving notice of the same to the person in charge of the aircraft whose duty it is to receive such goods.

2. No aircraft shall carry any mails without the written authority of the Postmaster General.

3. No commercial aircraft carrying passengers shall take off or alight after dark at an unlighted airport, and no aircraft carrying passengers shall fly by night over any route which is not adequately lighted and approved for night flying by the Minister.

4. No person shall install or work any radiotelegraph or radiotelephone apparatus in any aircraft registered in Canada except in accordance with the terms of a licence granted by the Minister, and no person shall work any radiotelegraph or radiotelephone apparatus on any aircraft except in accordance with the provisions of the International Telecommunication Convention for the time being in effect in Canada and of such regulations made in accordance therewith as may be subscribed to by the Government of Canada.

Aeronautics Act—*continued*

5. (1) No aircraft shall fly over any area defined by Order in Council as a prohibited area under these regulations or so near thereto that the angle between the perpendicular and a line from the aircraft to the nearest point of such prohibited area is less than twenty degrees provided that, when in any area or district whatsoever, any race, contest, exhibition or event of public interest is held or takes place, the provisions of this paragraph shall apply with respect to such area or district and to such type or types of aircraft both as may be specified by the Minister to the same extent as if said area or district had been defined by Order in Council as a prohibited area.

(2) No photographic apparatus shall be installed in, nor shall any photographs be taken from, any aircraft while operating in or over Canadian territory, unless such aircraft is registered in Canada or in another of His Majesty's Dominions, Colonies or Possessions.

(3) No aircraft shall fly over any penitentiary in Canada, or over any prison or public institution or lands appertaining thereto as may be designated for the purpose of a penitentiary by the Governor in Council pursuant to the Penitentiary Act, and no aircraft shall be used for the purpose of obtaining any information whatsoever in regard to any such penitentiary, prison or public institution or lands appertaining thereto, or in regard to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place in Canada belonging to His Majesty or for the making of any photographs, sketches or plans of any such place or places without permission of the Minister.

6. (1) No registered commercial aircraft shall commence a flight unless during the preceding thirty hours' flight time or in any event during the preceding seven days it has been duly certified as airworthy, in the log book of the aircraft, by an Air Engineer.

(2) No registered commercial aircraft engaged in a Scheduled Air Transport Service shall commence a flight unless it has been inspected and duly certified as airworthy, during the preceding twenty-four hours' elapsed time, by an Air Engineer.

(3) If the Minister has reason to believe, on complaint or otherwise, that an aircraft within Canada is intended or is about to proceed on any flight in contravention of these regulations or while in a condition unfit for flight, he may give such directions and take such steps, by way of provisional detention of the aircraft, or otherwise in relation thereto as may be necessary for the purpose of causing the circumstances relating to the flight to be investigated, or the aircraft to be inspected by authorized representatives of the Minister, and may, upon the result of such investigation or inspection, cause the aircraft to be detained until he is satisfied that the regulations are being compiled with, or until such alterations or repairs as he may consider necessary to render the aircraft fit for flight have been made.

(4) No person acting as, or carried in an aircraft for the purpose of acting as pilot, engineer or operating member of the crew thereof, shall, while so acting or carried, be in a state of intoxication, or in a state in which, by reason of his having taken or used any sedative, narcotic, stimulant, drug or preparation, his capacity to so act is impaired.

Aeronautics Act—*continued*

7. The taking off of an aircraft shall be conclusive evidence of its acceptance by the pilot as airworthy. The pilot shall be responsible that the gross weight does not exceed that specified in the Certificate of Airworthiness, that the load is properly disposed and secured and that the aircraft is fit in all respects for the flight planned.

8. (1) An Aircraft may be required to alight by any officer of or other person authorized by the Minister or by any officer of customs or immigration or by any officer of the Royal Canadian Air Force on duty as such, and every aircraft to which a signal to alight is made shall forthwith do so at the nearest practicable place to that from which the signal to alight is made, unless the signal is made from within a prohibited area in which case the aircraft shall alight as near as practicable to, but not within, such area.

(2) Any person not within one of the classes described in this paragraph who, without good and sufficient cause, makes any signal to alight shall be guilty of a breach of these regulations, and the onus shall be upon such person to establish that he had such good and sufficient cause.

9. Every aircraft in flight shall have on board its certificate of registration, the certificate of airworthiness, if any, the licences of all the members of the crew requiring licences, the authority and licence for the equipment and working of the wireless installation, if any, and a journey log book containing the following particulars:—

(*a*) The category to which the aircraft belongs, its nationality and registration marks; the full name, nationality and residence of the owner; the name of the maker, the description and the carrying capacity of the aircraft;

(*b*) In addition for each journey:

(i) The name of the pilot;

(ii) The number of passengers;

(iii) The place, date and hour of departure and of arrival, including intermediate alightings.

10. (1) There shall also be kept for every commercial aircraft:

(*a*) An aircraft log book which shall contain the following particulars:

(i) Category to which the aircraft belongs; its nationality and registration marks; full name, nationality and residence of the owner; name of maker; carrying capacity of the aircraft;

(ii) Type and series number of engine; type of propeller showing number, pitch, diameter and maker's name;

(iii) Type of wireless apparatus fitted;

(iv) Table showing the necessary rigging data for the information of persons in charge of the aircraft and of its maintenance;

(v) A fully detailed engineering record of the life of the aircraft, including all acceptance tests, overhauls, replacements, repairs and all works of a like nature.

(*b*) An engine log book for each engine, which shall contain the following particulars:

(i) Type of engine, series number, maker's name, power, normal and maximum revolutions of engine, date of production and first date put into service;

Aeronautics Act—*continued*

(ii) Registration mark and type of aircraft in which the engine has been installed;

(iii) A fully detailed engineering record of the life of the engine, including all acceptance tests, hours run, overhauls, replacements, repairs, and all work of a like nature.

(2) Entries in log books shall be made in ink as soon as possible after the events they record. Entries to be made in the journey log book may be first made in a rough note book, but shall be permanently entered within twenty-four hours after the events recorded. The first entries in the aircraft and engine log books shall be made by the constructor; subsequent entries in these log books and all entries in other log books shall be made by the pilot or other competent person. All entries shall be signed by the person by whom they are made. No erasures shall be made in, nor any leaf torn from any log book.

(3) Log books shall be preserved for two years after the last entry.

11. A copy of the two last preceding paragraphs shall be inserted in every log book.

12. The owner of every commercial aircraft shall annually, on or before the 31st day of January in each year, make a return to the Minister, giving such particulars with regard to the operation of the aircraft as the Minister may prescribe.

13. Every person required to hold a certificate under these regulations, and the owner or pilot of any aircraft, or the operator of any airport, shall produce his certificate or the certificate or licence issued in respect of such aircraft or airport at any time on demand by any peace officer or any officer of customs or immigration or any officer of, or other person authorized by, the Minister. The owner or pilot of an aircraft shall produce, upon the like demand, all log books (including any rough note books) and other papers kept in relation to such aircraft.

14. Any cancelled or expired certificate or licence shall be forthwith delivered up to the Minister by the person to whom it was issued.

15. (1) No aircraft of a state with which Canada has not concluded a convention relating to interstate flying shall fly over or alight in Canada except with the express written permission of the Minister.

(2) No aircraft shall engage in the carriage of persons or goods for hire between points in Canada unless it is registered as a commercial aircraft in Canada or in some other of His Majesty's Dominions, Colonies or Possessions, nor shall any aircraft carry out any operation for remuneration or reward wholly within Canada unless it is registered as a commercial aircraft in Canada, in some other of His Majesty's Dominions, Colonies or Possessions, or in a contracting State.

(3) In these regulations references to persons carried for hire or reward include references to persons carried in aircraft for the purposes of instruction in flying for which payment is made.

Aeronautics Act—*continued*

16. If any aircraft flies in breach of these regulations the owner of the aircraft, as well as the pilot thereof and any other member of the crew who has been a party to the breach, shall be liable therefor. If a breach of these regulations relates to the use of an aerodrome, the operator thereof shall be liable, if such operator permitted or could reasonably have prevented such breach.

17. Any person who obstructs or impedes any person in the exercise of his powers and duties under these regulations shall be guilty of a breach thereof.

18. Failure to observe or comply with the conditions upon which any certificate or licence is issued shall be deemed to be a breach of these regulations.

19. The owner of every aircraft shall upon notice by mail to his registered address from any officer or other person authorized by the Minister advise such officer or other person of the then condition and station of the aircraft.

20. (1) If any person is killed or injured because of or on board any aircraft, it shall be the duty of the pilot and of the owner thereof forthwith to report the date and place of the accident by telegram and full particulars thereof by mail to the Minister provided that the performance of these obligations by either the pilot or the owner shall relieve the other of them.

(2) In the case of an aircraft registered in Canada being damaged to such an extent that repairs other than ordinary running repairs or replacements are necessary, the owner or pilot thereof shall notify the Minister forthwith, giving particulars of such damage.

(3) No aircraft involved in any accident causing death or injury to any person shall be removed or otherwise interfered with, without permission from the Minister.

Provided, however, that the aircraft or any part thereof may be displaced or removed as may be necessary to extricate persons, to remove mails, to prevent destruction by fire or other cause, or to avoid danger to persons or property.

21. (1) The Minister may constitute or authorize the constitution of Boards of Enquiry of one or more members for the purpose of investigating the circumstances of any accident or of any alleged breach of these regulations, and any Board of Enquiry so constituted shall have power to take evidence upon oath or otherwise.

(2) Every person required to give evidence before a Board of Enquiry shall attend and give evidence upon being so required by writing under the hand of any member of the Board.

(3) Any person who attends and gives evidence before any such Board of Enquiry shall be entitled to receive witness fees and travelling expenses according to the tariff of fees payable to witnesses in the Superior Court of the Province in which such evidence is given.

22. Nothing in these regulations shall exonerate any aircraft or the owner, pilot or crew thereof, from the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.

Aeronautics Act—*continued*

23. In conforming with these regulations due regard shall be had to all dangers of navigation and collision, and to any special circumstances which render a departure therefrom necessary in order to avoid immediate danger, and it shall be a good defence to any proceedings for a breach of these regulations if it is proved to have been due to stress of weather or other unavoidable cause.

24. These regulations do not apply:

(*a*) to military aircraft of His Majesty when manoeuvring as directed by an officer of any British Air Force in the course of his duty as such officer;

(*b*) to foreign military aircraft flying over or alighting in Canada in accordance with the terms of any special permission; or

(*c*) to other aircraft or to persons or aerodromes to the extent to which they have been relieved by the Minister from compliance therewith.

3. The Flying Accidents Compensation Order

P.C. 6538

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the powers conferred by the Aeronautics Act, Revised Statutes of Canada, 1927, Chapter 3, is pleased, hereby, to revoke Orders in Council P.C. 44/8848 of 22nd November 1944 and P.C. 86/5966 of 24th December 1948, and to make the following Order in substitution therefor:—

ORDER

1. This Order may be cited as "The Flying Accidents Compensation Order".

2. In this Order, unless the context otherwise requires,

(*a*) "employee" means a person other than a member of the armed forces of Canada employed in the public service of Canada or under the direction of any department of the public service of Canada;

(*b*) "unscheduled flight" means a flight in an aircraft other than an aircraft operated on a scheduled flight by or on behalf of any person for hire or reward.

3. (1) Subject to section four, where an employee is killed or injured as a direct result of an unscheduled flight undertaken by him in the course of his duties in the public service of Canada, compensation will be paid

Aeronautics Act—*concluded*

for the death or injuries of that employee as if he were a member of the forces and his death or injury arose out of military service in peace time within the meaning of the Pension Act.

(2) For the purposes of this section,

(*a*) an employee other than an employee mentioned in paragraph (*b*) who receives salary at an annual rate within a range specified in Schedule A shall be deemed to be in receipt of pay and allowances for the military rank set opposite that range in Schedule A, and

(*b*) a member, part-time employee or consultant of the Defence Research Board and a person who serves that Board in an advisory or supervisory capacity without remuneration shall be deemed to be in receipt of pay and allowances for the military rank set opposite the description that applies to him in Schedule B.

4. Notwithstanding section three, no compensation shall be paid for any death or injury in respect of which provision for payment of compensation or a gratuity or pension is made by an Act, regulation or order, other than this Order, unless the claimant elects to accept the said compensation instead of the compensation, gratuity or pension under any such other Act, regulation or order.

N. A. ROBERTSON,
Clerk of the Privy Council.

SCHEDULE A

Military ranks to be imputed to persons in receipt of salary.

Annual Rate of Salary	*Rank*
$3,000 or less	Lieutenant
3,001 to $3,750	Captain
3,751 to 5,000	Major
5,001 to 6,500	Lieutenant-Colonel
6,501 to 8,000	Colonel
8,001 or over	Brigadier

SCHEDULE B

Military ranks to be imputed to persons employed with the Defence Research Board.

Description of Employee	*Rank*
Members of the Defence Research Board.	Brigadier
Members of the Defence Research Board Advisory Committees and Panels, consultants, and persons who serve in an advisory or supervisory capacity.	Colonel
Students or scientists working on research projects for the Defence Research Board at universities or other institutions.	Captain

5. The Flying of Aircraft Prohibited in the Vicinity of Chalk River, Ontario

P.C. 3997

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 7th day of October, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Reconstruction and Supply reports that, as a result of representations made by the Atomic Energy Control Board, it is considered advisable to prohibit the flying of aircraft in the vicinity of Chalk River, Ontario.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Reconstruction and Supply, is pleased to define and doth hereby define as a prohibited area under Part VIII, Paragraph 5 of The Air Regulations, 1938, the area within a radius of four miles of Perch Lake, Ontario, Lat. 46° 02′ N., Long. 77° 23′ W.

N. A. ROBERTSON,
Clerk of the Privy Council.

AGREEMENTS (Trade and commerce, taxation, etc.)
See CONVENTIONS AND AGREEMENTS.

AGRICULTURAL PRICES SUPPORT ACT, 1944. (1944-45, c. 29)

Section nine of *The Agricultural Prices Support Act, 1944,* was brought into force by Proclamation dated September 22, 1948. No regulations have been made under the Act, but a number of Orders have been made designating certain products as agricultural products for the purposes of the Act and approving prices at which the Agricultural Prices Support Board may purchase such products. One only of these Orders, that relating to creamery butter, was in effect on December 31, 1949.

Order respecting first grade creamery butter

P.C. 1573

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 5th day of April, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS under the authority of paragraph (*b*) of subsection (1) of section 9 of The Agricultural Prices Support Act, 1944, the Agricultural Prices Support Board proposes, from April 1, 1949 to March 31, 1950, inclusive, to purchase first grade creamery butter produced in Canada;

And Whereas, under the authority of paragraph (*a*) of the said subsection the Board proposes to prescribe the following prices for the said first grade creamery butter; 59 cents per pound, basis delivery Charlottetown, Prince Edward Island, Halifax, Nova Scotia and Saint John, New Brunswick; 58 cents per pound, basis delivery Montreal, Quebec and Toronto, Ontario; and 57½ cents per pound, basis delivery Vancouver, British Columbia; all purchases to be subject to such terms and conditions as may be specified by the Agricultural Prices Support Board.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to paragraph (a) of section 2 of The Agricultural Prices Support Act, 1944, is pleased to designate and doth hereby designate as an agricultural product for the purposes of the said Act first grade creamery butter produced in Canada.

His Excellency in Council, on the same recommendation, is pleased to approve and doth hereby approve of the Board prescribing the aforesaid prices for the said agricultural product for the purposes of paragraph (*a*) of subsection (1) of section 9 of the said Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

AGRICULTURAL PRODUCTS ACT. (1947, c. 10)

A number of Orders have been made under section four of *The Agricultural Products Act* establishing commodity boards. There were in effect on December 31, 1949, Order in Council P.C. 1912 of 22nd May, 1947, and amendments establishing the Dairy Products, Meat and Special Products Boards, and naming the members of each, and Ministerial Order of May 22, 1947, authorizing the exercise of ministerial powers by these Boards. No regulations have been made under this statute.

Order authorizing exercise of ministerial powers

Under subsection (1) of section four of The Agricultural Products Act and pursuant to Order in Council P.C. 1912 of May 22, 1947, establishing certain Commodity Boards, the undersigned authorizes, subject to the direction and control of the Minister and subject to any regulations that may be approved by the Governor in Council:

(*a*) The Dairy Products Board to exercise and perform all the duties and functions necessary and fulfil the purposes of the Act with respect to dairy products, namely, milk, cream, condensed milk, evaporated milk, milk powder, skim milk powder, cream powder, casein, butter, cheese and any other article manufactured from milk;

(*b*) The Meat Board to exercise and perform all the duties and functions necessary and fulfil the purposes of the Act with respect to meat products, namely, any edible product derived from cattle, calves, sheep, lambs or hogs whether in a fresh or processed form, except milk and milk products and edible fats; and

(*c*) The Special Products Board to exercise and perform all the duties and functions necessary and fulfil the purposes of the Act with respect to special products, namely; all products of agriculture coming within the provisions of the said Act except meat and dairy products.

JAMES G. GARDINER,
Minister of Agriculture.

May 22, 1947.

AGRICULTURAL PRODUCTS CO-OPERATIVE MARKETING ACT, 1939. (1939, c. 28)

No statutory orders or regulations have been made under this statute.

AGRICULTURAL PRODUCTS MARKETING ACT. (1949, c. 16)

1. *Marketing of Nova Scotia Apples.*
2. *Marketing of British Columbia Tree Fruits.*
3. *Marketing of British Columbia Potatoes and Vegetables.*

1. Marketing of Nova Scotia Apples

P.C. 4201

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 17th day of August, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS, the Nova Scotia Marketing Board is authorized under the Natural Products Marketing Act of the province of Nova Scotia to exercise powers of regulation in relation to the marketing locally within the province of apples grown in the municipality of West Hants and the counties of Kings and Annapolis in the province of Nova Scotia, and has applied for authority to regulate the marketing of such apples outside the province in interprovincial and export trade;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Agriculture and by virtue of the powers conferred by section 2 of The Agricultural Products Marketing Act, chapter 16 of the Statutes of 1949, is pleased to make the following Order:

Order

The Nova Scotia Marketing Board, established by an Order of the Lieutenant-Governor of Nova Scotia in Council made on November 9, 1946, pursuant to the Natural Products Marketing Act of Nova Scotia, is hereby granted authority to regulate the marketing outside the province of Nova Scotia in interprovincial and export trade of apples grown in the municipality of West Hants and the counties of Kings and Annapolis in the province of Nova Scotia, and for such purposes may, with reference to persons and property situated within the province of Nova Scotia, exercise powers like the powers exercisable by it in relation to the marketing of such apples locally within the province under paragraph (*j*) of subsection (1) of section 5, subsection (2) of section 5, paragraph (*a*) of subsection (1) of section 6 and paragraph (*d*) of section B, as amended from time to time, of the Natural Products Marketing Act of Nova Scotia.

N. A. ROBERTSON,
Clerk of the Privy Council.

Agricultural Products Marketing Act—*continued*

2. Marketing of British Columbia Tree Fruits

P.C. 4202

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 17th day of August, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the British Columbia Fruit Board is authorized under the Natural Products Marketing (British Columbia) Act of British Columbia and the Order of the Lieutenant-Governor of British Columbia in Council made thereunder on January 20, 1937, to exercise powers of regulation in relation to the marketing of certain tree fruits locally within the province, and has applied for authority to regulate the marketing of such tree fruits outside the province in interprovincial and export trade;

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Agriculture and by virtue of the powers conferred by section 2 of The Agricultural Products Marketing Act, chapter 16 of the Statutes of 1949, is pleased to make the following Order:

Order

The British Columbia Fruit Board, established by Order of the Lieutenant-Governor of British Columbia in Council No. 79/1937 made on January 20, 1937, pursuant to the Natural Products Marketing (British Columbia) Act, is hereby granted authority to regulate the marketing outside the province of British Columbia in interprovincial and export trade of any tree fruit grown in that part of British Columbia lying east of the 121st meridian of west longitude and south of the 51st parallel of north latitude, and for such purposes may, with reference to persons and property situated within the province of British Columbia, exercise powers like the powers exercisable by it in relation to the marketing of such tree fruits locally within the province under paragraphs (*a*), (*b*), (*c*), (*f*), (*g*), (*h*), (*i*) and (*k*) of section 22 of the said Order of the Lieutenant-Governor of British Columbia in Council as amended.

N. A. ROBERTSON,
Clerk of the Privy Council.

Agricultural Products Marketing Act—*concluded*

3. Marketing of British Columbia Potatoes and Vegetables

P.C. 5018

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 4th day of October, 1949.

Present:

His Excellency the Governor General in Council

Whereas the B.C. Coast Vegetable Marketing Board is authorized under the Natural Products Marketing (British Columbia) Act of British Columbia and the Order of the Lieutenant-Governor of British Columbia in Council made thereunder on December 30, 1938, to exercise powers of regulation in relation to the marketing of certain potatoes and vegetables locally within the province, and has applied for authority to regulate the marketing of such potatoes and vegetables outside the province in interprovincial and export trade;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and by virtue of the powers conferred by section 2 of The Agricultural Products Marketing Act, chapter 16 of the Statutes of 1949, is pleased to make the following Order:

Order

The B.C. Coast Vegetable Marketing Board, established by Order of the Lieutenant-Governor of British Columbia in Council No. 1679/1938, made on December 30, 1938, pursuant to the Natural Products Marketing (British Columbia) Act, is hereby granted authority to regulate the marketing outside the province of British Columbia in interprovincial and export trade of potatoes and vegetables of all kinds or any of them grown in that part of the province of British Columbia bounded as follows:

> Commencing at the intersection of the 49th parallel of latitude with the 121st meridian of longitude; thence due north to the 50th parallel of latitude; thence due west to the 122nd meridian of longitude; thence due north to the 53rd parallel of latitude; thence due west to the western boundary of the Province; thence southerly and easterly along the western and southern boundaries of the Province to the point of commencement; but excluding those parts of the Lillooet Electoral District and those parts of the Cariboo Electoral District within the foregoing:

and for such purposes may, with reference to persons and property situated within the province of British Columbia, exercise powers like the powers exercised by it in relation to the marketing of such potatoes and vegetables locally within the province under paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) of section 19 of the said Order of the Lieutenant-Governor of British Columbia in Council, as amended.

N. A. ROBERTSON,
Clerk of the Privy Council.

AIR, CARRIAGE BY

See CARRIAGE BY AIR ACT, 1939.

AIR FORCE

See ROYAL CANADIAN AIR FORCE ACT.

AIR SERVICES

See AERONAUTICS ACT.

ALIENS

See IMMIGRATION ACT.

ALLIED VETERANS BENEFITS ACT. (1946, c. 36)

No statutory orders or regulations have been made under this statute.

ANIMAL CONTAGIOUS DISEASES ACT. (R.S.C., 1927, c. 6)

The Animal Contagious Diseases Regulations

P.C. 5369

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and under the authority of the Animal Contagious Diseases Act, Revised Statutes of Canada, 1927, chapter 6, is pleased to order as follows:

1. The Animal Contagious Diseases Regulations established by Order in Council P.C. 985 of 1st March, 1949, as amended, are hereby revoked; and

2. The annexed regulations entitled the "Animal Contagious Diseases Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Animal Contagious Diseases Act—*continued*

ANIMAL CONTAGIOUS DISEASES REGULATIONS

Short Title

1. These regulations may be cited as the Animal Contagious Diseases Regulations.

Interpretation

2. In these regulations

(*a*) "Act" means the Animal Contagious Diseases Act;

(*b*) "accredited veterinarian" means a veterinarian who is authorized by the Veterinary Director General to make tests and inspections for the purposes of these regulations;

(*c*) "animal" includes birds, bees, and animals carried as ship's stores;

(*d*) "contagious" means communicable by close contact or inoculation;

(*e*) "import" includes introduce;

(*f*) "infectious" means communicable in any manner;

(*g*) "inspector" means a veterinary or other inspector appointed under the Act;

(*h*) "inspection" means inspection by an inspector;

(*i*) "master" in relation to aircraft means the pilot;

(*j*) "Minister" means the Minister of Agriculture;

(*k*) "poultry" means live chickens, turkeys, pigeons, geese, ducks or other barnyard fowl or other birds raised under domestic conditions;

(*l*) "ship" or "vessel" includes aircraft;

(*m*) "Veterinary Director General" means the Associate Director of Production Service, Health of Animals Division, Department of Agriculture;

(*n*) "veterinary inspector" means a duly qualified veterinary surgeon appointed an inspector under the Act.

PART I

OFFICERS

3. The Veterinary Director General has charge of the Health of Animals Division of the Department of Agriculture, and has all the powers of an inspector or a veterinary inspector under these regulations.

4. An inspector may inspect any animal in Canada or within the territorial waters of Canada for the purpose of ascertaining whether or not the animal is affected with an infectious or contagious disease.

5. (1) Whenever an inspector finds or suspects that an animal is affected with an infectious or contagious disease he may order the owner or occupier of any vessel, vehicle, railway car, aircraft, yard, stable, shed, pen or other place or premises in or upon which the animals are found to be thoroughly cleaned and disinfected to the satisfaction of the inspector, and every person to whom any such order is directed shall forthwith comply with the order.

(2) Whenever the Minister is of opinion that a serious outbreak of an infectious or contagious disease has occurred in any area in Canada, he may issue a declaration to that effect in which he shall designate the

Animal Contagious Diseases Act—*continued*

area, the disease and the animals likely to be affected thereby, and from the issue of the declaration until the Minister issues a further declaration declaring that the infectious or contagious disease is under effective control, no person shall move any such animal out of such area without the permission of an inspector or such other person as the Minister may designate in the declaration, and the Minister may require that any such animals in the area shall be dipped or otherwise treated as the Minister may prescribe.

6. An inspector may at any time enter any vessel, vehicle, railway car, aircraft, yard, stable, shed, pen or other place or premises in or upon which he reasonably believes an animal may be found.

7. Every owner, shipper, exporter, importer or other person having the possession, care or custody of an animal shall give to an inspector any assistance that the inspector may require in order to carry out any of his duties or powers under the Act or these regulations, and whenever any such person refuses or neglects to furnish any such assistance the inspector may employ any assistants at the cost of such person and such cost is recoverable as a debt due to the Crown and shall be paid before any certificate in respect of the animal is issued under these regulations.

8. For the purposes of identification an inspector may, if he deems it advisable, mark any animals inspected by him.

9. Notwithstanding anything in these regulations an inspector may detain any animal at any place for such time as he considers necessary to enable him to make a thorough and satisfactory inspection of the animal and to ascertain that all the provisions of the Act and these regulations relating thereto have been duly observed and complied with.

10. An inspector may order that an animal shall not be removed from the premises or other place where it is situated until authorized by an inspector and upon the making of such an order no person shall remove the animal from such premises or place until an inspector so authorizes.

11. Whenever by these regulations an inspector is authorized to inspect an animal he may make such tests, investigations and examinations as he considers necessary for the purpose of ascertaining whether or not the animal is affected with an infectious or contagious disease or for the purpose of ascertaining the nature of the infectious or contagious disease.

12. Every Customs officer before permitting an animal to enter or to leave Canada shall satisfy himself that all the provisions of the Act and these regulations with respect to the animal have been complied with.

PART II

General Import Requirements

Animals

13. Except as provided in these regulations, no person shall import an animal into Canada.

14. (1) Notwithstanding anything in these regulations but subject to subsection two, all animals entering Canada or tendered for entry into Canada are subject to inspection by an inspector and no animal shall be allowed to enter Canada if an inspector finds or suspects that the animal is affected with an infectious or contagious disease.

Animal Contagious Diseases Act—*continued*

(2) Where an inspector finds or suspects that an animal tendered for entry into Canada is affected with an infectious or contagious disease and the importation of the animal into Canada is not otherwise prohibited under the Act or these regulations, he may in his discretion, but subject to any instructions from the Veterinary Director General, admit the animal into quarantine for such period as he may prescribe, and if at the end of such period the animal is found free from infectious or contagious disease it may be admitted into Canada, but if the animal is found not to be free from infectious or contagious disease the animal, in the discretion of the inspector, shall be returned to its country of origin or shall be destroyed or otherwise disposed of, without compensation.

Birds

15. (1) Subject to this section and the provisions of these regulations respecting poultry, birds may be imported into Canada.

(2) Birds of the parrot family shall not be imported into Canada unless

(*a*) the birds are imported and accompanied by the owner;

(*b*) the number of birds does not exceed five at any one time;

(*c*) the owner certifies in writing that the birds have not been in contact with other birds of the parrot family and have been in his possession for the sixty days immediately preceding importation; and

(*d*) they are found healthy by the inspector.

(3) Birds of the parrot family may be imported into Canada only at quarantine stations or at the port of Montreal.

(4) All birds of the parrot family tendered for importation and found by an inspector not to be healthy, shall be detained in quarters furnished by the owner and approved by the inspector, and all birds so detained are subject to inspection by the inspector at all times during detention and may be released only on the written authority of the inspector.

(5) The inspector may require laboratory investigation of the birds at the expense of the owner and if the result of the laboratory investigation is not satisfactory to the inspector, the entire shipment may be refused.

(6) The inspector shall notify the provincial health authorities concerned in writing of the origin, number and species of the birds, their destination and the name of the owner.

(7) The Minister may, at any time, prohibit the importation of birds of the parrot family from any country in which the Minister has reason to believe there is an epidemic of psittacosis, and a notification of such prohibition and the removal of such prohibition shall be forwarded to all provincial health authorities.

(8) In this section, the expression "birds of the parrot family" means psittacidae and includes birds commonly known as parrots, Amazons, Mexican double heads, African grays, cockatoos, macaws, parakeets, love birds, lories, lorikeets, and similar birds.

Bees

16. (1) No person shall import into Canada bees on combs, used or second-hand hives, or bee supplies.

(2) No person shall import into Canada bees in combless packages unless the packages are accompanied by a declaration signed by the shipper that the food supplied to the bees and carried in the package is free from disease.

Animal Contagious Diseases Act—*continued*

Quarantine Stations

17. (1) An animal that on importation into Canada is subject to quarantine under these regulations may be admitted into Canada only at a quarantine station.

(2) Where an animal that is subject to quarantine under these regulations has been quarantined for the period prescribed by these regulations and is then or at the end of such additional period of quarantine as an inspector may order, found or suspected to be not free from infectious or contagious disease the animal, in the discretion of an inspector, shall be returned to its country of origin or shall be destroyed or otherwise disposed of, without compensation.

(3) The following ports are quarantine stations for the purposes of these regulations:

Nova Scotia—Halifax, Yarmouth and North Sydney;
Prince Edward Island—Charlottetown;
New Brunswick—Saint John and McAdam Junction;
Quebec—Sherbrooke, St. John's and Quebec;
Ontario—Fort Erie, Windsor, Sarnia, Sault Ste. Marie and Fort Frances;
Manitoba—Emerson and Lena;
Saskatchewan—Northgate, North Portal, West Poplar River and Willow Creek;
Alberta—Coutts and Carway;
British Columbia—Kingsgate, Nelson, Cascade, Paterson, Carson, Midway, Osoyoos, Keremeos, Huntingdon, White Rock, New Westminster, Vancouver and Victoria;
Yukon Territory—White Horse.

18. (1) Except as provided in these regulations, inspection of animals that are imported into Canada shall be made at a quarantine station or at an inspection port and an animal that is not subject to quarantine under these regulations shall not be admitted to Canada except at an inspection port or a quarantine station.

(2) The following are inspection ports for the purposes of these regulations:

Newfoundland—St. John's, Botwood and Corner Brook;
Nova Scotia—Pictou;
New Brunswick—St. Stephen, Debec Junction, Woodstock, Centreville, Perth Junction, Aroostook Junction, Grand Falls, St. Leonards, Edmundston and Clair;
Quebec—Estcourt, Lac Frontiere, Lake Megantic, St. Zacharie, Armstrong, Comin's Mills, Coaticook, Rock Island, Highwater, Abercorn, Sutton, Noyan, Clarenceville, Lacolle, Cantic, Huntingdon, Trout River, Dundee, Standhope and Phillipsburg;
Ontario—Cornwall, Morrisburg, Prescott, Brockville, Lansdowne, Kingston, Cobourg, Toronto, Niagara Falls, Port Arthur, Rainy River and Pigeon River;
Manitoba—Sprague and Goodlands;
British Columbia—Nelway, Boundary Bay, Nanaimo, Sidney and Pacific Highway (Douglas).

Animal Contagious Diseases Act—*continued*

Quarantine

19. (1) Quarantine stations shall be under the care of and subject to the orders of the veterinary inspector in charge, who shall have the general superintendence and control of employees and attendants, and of all other matters in connection therewith.

(2) No persons other than those mentioned in subsection one shall enter a quarantine station without written authority from the Veterinary Director General.

20. Animals in a quarantine station shall be treated and dealt with under the direction of the veterinary inspector in charge of the station and all articles used for, about or in connection with the animals, shall be in like manner subject to his direction and supervision.

21. Cattle imported from countries other than the United States shall not be discharged from quarantine until they have been submitted to the tuberculin test.

22. Cattle submitted to the tuberculin test while in quarantine and reacting to the test or showing clinical symptoms of tuberculosis shall be permanently marked on the left cheek with the letter "T", in such form and manner as the Veterinary Director General may prescribe and shall be slaughtered forthwith under inspection without compensation or returned to country of origin.

23. Cattle submitted to the Johnin test while in quarantine and reacting to the test or showing clinical symptoms of Johne's disease shall be slaughtered forthwith without compensation or returned to the country of origin.

24. (1) Cattle six months old or over shall not be discharged from quarantine until they have been submitted to a blood test for Brucellosis, and cattle that react to the test, except unbred yearlings and calves, shall be permanently marked on the right cheek with the letter "B" in such form and manner as the Veterinary Director General may prescribe and shall be slaughtered forthwith under inspection without compensation, or returned to the country of origin.

(2) Subsection one does not apply to cattle that are accompanied by a certificate signed or endorsed by a veterinarian of the national government of the country of origin clearly indicating that the animals referred to in the certificate have been vaccinated against Brucellosis between the ages of four and eight months and not more than twenty-two months prior to the date of importation.

25. (1) Swine imported from countries other than the United States shall not be discharged from quarantine until they have been submitted to a blood test for Brucellosis.

(2) Swine submitted to the blood test for Brucellosis while in quarantine and reacting to the test shall be slaughtered forthwith under inspection without compensation or returned to the country of origin.

26. The Minister or the Veterinary Director General may authorize the destruction of any quarantined animal or all or any portion of the articles used in the care of such animal, and such destruction shall take place under the supervision of the veterinary inspector in charge, and in the manner prescribed by him.

Animal Contagious Diseases Act—*continued*

27. The expenses of feeding, treating and caring for animals detained in quarantine, with the exception of those for the use of grounds and shelter, shall be borne by the owner or importer, and such expenses shall be paid before the animals are permitted to leave the quarantine, and in default of such payment within fourteen days after the expiration of the period of quarantine, the veterinary inspector in charge may, on fourteen days' notice in writing, delivered personally or by registered mail to the owner or importer, cause the said animals to be sold to meet the said expenses, together with the expenses of and incidental to the sale of the said animals, and the balance, if any, shall be paid to the owner.

28. No animal under quarantine shall be allowed to come in contact with an animal not in quarantine until duly discharged from quarantine.

29. No animal under quarantine shall be removed from a quarantine station until duly discharged therefrom by or under the authority of the veterinary inspector in charge.

30. No person shall remove or attempt to remove an animal from a quarantine station except by or under the authority of the veterinary inspector in charge.

31. No compensation or indemnity is payable for any injury or loss sustained in connection with an animal while it is detained in quarantine.

PART III

Importation from Countries Other Than United States

32. This part applies only to the importation of animals from places other than the United States.

33. (1) An animal may be imported into Canada if a permit therefor is obtained from the Minister, and the permit is in the possession of the master of the vessel before the animal is embarked.

(2) An application for a permit shall be in writing, shall state the number and kind of animals in respect of which the permit is sought, the country of origin, the probable date of shipment, the port of embarkation, the port at which the animals are to be landed and the approximate date of their arrival.

(3) The Minister may require that the statements contained in an application for a permit be verified by affidavit.

(4) The Minister may allow the importation of an animal into Canada without a permit under this section.

(5) This section does not apply to the importation of poultry or dogs.

34. Except as otherwise provided in these regulations, no animal shall be imported into Canada except at Victoria, Vancouver, Quebec, Saint John, Halifax, North Sydney, Charlottetown or such other quarantine station as the Minister may designate.

35. All animals imported into Canada shall be accompanied by a statutory declaration or affidavit made by the owner or importer stating the purpose for which the animals are being imported into Canada; the declaration or affidavit shall be presented to the Collector of Customs at the port of entry and the Collector of Customs shall forthwith notify the nearest veterinary inspector of the intended importation.

Animal Contagious Diseases Act—*continued*

36. (1) Animals imported into Canada shall be accompanied by the Certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease.

(2) Animals imported *via* United States ports, in addition to the certificate mentioned in subsection one, shall be accompanied by a certificate of quarantine or inspection signed by a veterinarian of the United States Bureau of Animal Industry.

(3) The Minister may allow the importation of an animal into Canada without the certificates mentioned in this section.

37. (1) The person in charge of an animal to be imported shall certify under oath that the certificates referred to in section thirty-six apply to the animals to be imported and to no other, and that the district named is the actual district from which the animals come.

(2) When the person in charge of any animals refuses to take the oath referred to in subsection one the importation of the animals into Canada shall be refused.

38. Persons in charge of vessels conveying animals to Canada shall immediately on arrival in Canada notify the nearest veterinary inspector of the arrival of such vessel and the number and kind of animals on board thereof.

39. All importers of animals before making a customs entry shall certify under oath the place of origin of the animals to be imported.

40. All inspections of imported animals shall be made in daylight and for the purposes of carrying out these regulations inspectors are entitled to enter any wharf, vessel, car, aircraft, airfield or any other vehicle or place.

41. Inspectors shall visit the vessels, cars, aircraft or other vehicles conveying animals into Canada and after inspecting such animals and finding them free from disease shall superintend their landing or unloading, order them to be placed and disposed of according to the requirements of the case and see that those to be quarantined are conveyed to the proper quarantine station; inspectors shall also superintend the landing, unloading and disposal of fodder, litter, blankets, troughs and other articles that may have been used by or for such animals.

42. Inspectors may, if they deem it necessary, order the cleaning or disinfection of any vessel, aircraft, vehicle, place, building or article used for the accommodation, conveyance, loading or unloading of animals and may direct that such precautionary measures with reference thereto be taken as they may consider necessary or desirable.

43. No person shall interfere with the conveyance of any animals to a place of quarantine.

44. No person shall impede or obstruct the execution of any order or direction made or given by an inspector with reference to the inspection of animals pursuant to these regulations or the custody of animals during inspection or during conveyance to a place of quarantine.

Horses, Mules and Asses

45. Horses, mules and asses imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals

Animal Contagious Diseases Act—*continued*

and found them free from any evidence of infectious or contagious disease, and that no glanders, maladie du coit (dourine), or other serious infectious or contagious disease affecting horses, mules or asses has existed in the district of origin for a period of six months immediately prior to their shipment.

46. Unless otherwise ordered by the Minister, horses, mules and asses may be imported into Canada at the port of Montreal.

Cattle

47. Cattle imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease, and that no contagious pleuro-pneumonia, rinderpest or foot and mouth disease or other serious infectious or contagious disease affecting cattle has existed in the district of origin for a period of six months immediately prior to shipment.

48. (1) Cattle arriving in Canada from the United Kingdom shall be quarantined in a quarantine station

(*a*) for a period of fourteen days, to be counted from but not including the day of arrival at the quarantine station, if they are accompanied by a certificate issued by or under the authority of the appropriate Minister that they have been detained in a quarantine station pursuant to the United Kingdom Quarantine Stations (Regulations) Order for a period of fourteen days immediately preceding embarkation for Canada; or

(*b*) for a period of thirty days, to be counted from but not including the day of arrival at the quarantine station, if they are not accompanied by the certificate mentioned in paragraph (*a*) or if an inspector so requires.

(2) Cattle arriving in Canada from any place other than the United Kingdom shall be quarantined in a quarantine station for a period of ninety days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked.

Sheep and Goats

49. Sheep and goats imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease, that no foot and mouth disease has existed in the district of origin for a period of six months immediately prior to the shipment, that the animals show no evidence of the disease known as scrapie, that so far as can be determined the disease has not existed on the premises of origin during the two years immediately prior to shipment and that the animals are not the progeny of a sire or dam that was affected with scrapie or any other infectious or contagious disease.

50. (1) Sheep and goats arriving in Canada from the United Kingdom shall be quarantined in a quarantine station

(*a*) for a period of fourteen days, to be counted from but not including the day of arrival at the quarantine station, if they are accompanied by a certificate issued by or under the authority of the

Animal Contagious Diseases Act—*continued*

appropriate Minister that they have been detained in a quarantine station pursuant to the United Kingdom Quarantine Stations (Regulations) Order for a period of fourteen days immediately preceding embarkation for Canada; or

(*b*) for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked, if they are not accompanied by the certificate mentioned in paragraph (*a*) or if an inspector so requires.

(2) Sheep and goats arriving in Canada from any place other than the United Kingdom shall be quarantined in a quarantine station for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked.

Swine

51. Swine imported into Canada shall be accompanied by the certificate of an official veterinarian of the national government of the country of origin showing that he has inspected the animals and found them free from any evidence of infectious or contagious disease, and that no hog cholera or foot and mouth disease has existed in the district of origin for a period of six months immediately prior to shipment.

52. (1) Swine arriving in Canada from the United Kingdom shall be quarantined in a quarantine station

(*a*) for a period of fourteen days, to be counted from but not including the day of arrival at the quarantine station, if they are accompanied by a certificate issued by or under the authority of the appropriate Minister that they have been detained in a quarantine station pursuant to the United Kingdom Quarantine Stations (Regulations) Order for a period of fourteen days immediately preceding embarkation for Canada; or

(*b*) for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked, if they are not accompanied by the certificate mentioned in paragraph (*a*) or if an inspector so requires.

(2) Swine arriving in Canada from any place other than the United Kingdom shall be quarantined in a quarantine station for a period of thirty days, to be counted from but not including the day of clearance of the vessel carrying them from the port at which they were embarked.

Dogs

53. (1) Subject to this section dogs may be imported into Canada.

(2) Except as provided in subsections three and four all dogs tendered for importation into Canada shall be admitted to Canada only at the quarantine stations of Halifax, Saint John, Quebec, Vancouver and Victoria, shall be subjected to a quarantine of three months at the port of entry at the expense of the importer and shall also be vaccinated with rabies vaccine by a veterinary inspector on admittance to quarantine.

(3) Dogs originating in Great Britain, Northern Ireland or Eire and shipped direct to Canada may be admitted at any of the quarantine stations mentioned in subsection two if accompanied by a certificate signed by the importer certifying that the dog originated in Great Britain, Northern Ireland or Eire, as the case may be.

Animal Contagious Diseases Act—*continued*

(4) Dogs that have been admitted to quarantine in Great Britain and are later shipped to Canada before being released in Great Britain shall be vaccinated as provided in subsection two and shall continue in quarantine at the Canadian port of entry until the total period of quarantine in Great Britain and Canada equals a period of three months; and such dogs shall be accompanied by a certificate signed by an official veterinarian showing the country from which the dog was originally shipped and the period it was held in quarantine in Great Britain.

(5) Dogs arriving in Canada at a place other than a quarantine station, when permitted by a veterinary inspector and subject to such conditions and restrictions as he may order, may be admitted into Canada if accompanied by a certificate as prescribed in subsection three or may be transported in bond through Canadian territory to a quarantine station.

Poultry

54. (1) Subject to this section, poultry may be imported into Canada at any place or port of entry if they are accompanied by a certificate signed by a veterinarian of the country of origin who is authorized by his national government so to certify that the poultry referred to in the certificate are free from and have not been exposed to avian pneumoencephalitis (Newcastle disease), fowl pest or fowl typhoid.

(2) No person shall import or introduce any birds into Canada from any country unless a permit therefor is first obtained from the Minister and the permit is in the possession of the master of the vessel before the birds are embarked.

(3) An application for a permit shall be in writing, shall state the number and kind of birds in respect of which the permit is sought, the country of origin, the probable date of shipment, the port of embarkation, the port at which the birds are to be landed and the approximate date of their arrival.

(4) The Minister may require that the statements contained in an application for a permit be verified by affidavit.

PART IV

Importation from the United States

55. This Part applies only to the importation of animals from the United States.

56. All animals imported into Canada shall be accompanied by a statutory declaration or affidavit made by the owner or importer stating the purpose for which the animals are imported.

57. Except as otherwise provided in, and subject to the provisions of this Part, animals may be imported into Canada at an inspection port or quarantine station.

58. Any animal imported into Canada may be detained, isolated, dipped or otherwise treated by an inspector whenever the Minister so orders or whenever the inspector finds or suspects that the animal is infected with or has been exposed to infectious or contagious disease.

Horses, Mules and Asses

59. No branded or range horses, mules or asses shall be imported into Canada unless in the opinion of an inspector they are gentle and broken to harness or saddle.

Animal Contagious Diseases Act—*continued*

60. Horses, mules or asses imported into Canada shall, whenever and during such times as the Veterinary Director General may require, be accompanied by a satisfactory certificate of mallein test for glanders, dated not more than thirty days prior to date of entry and signed or endorsed by a veterinarian of the United States Bureau of Animal Industry; when not so accompanied such horses, mules or asses may be subjected to a mallein test either at the inspection port or quarantine station where entry is made, or under quarantine restrictions at destination.

61. (1) Any animals that are tested at the port of entry pursuant to section sixty and found to be reactors shall be slaughtered without compensation or permanently marked and returned to the United States and shall not at any time be allowed to enter Canada.

(2) All horses, mules and asses in the same consignment as such reactors shall be returned to the United States, but they may subsequently be admitted into Canada if they are subjected to a mallein test after the expiration of a period of at least fifteen days, they do not then react to the test, evidence satisfactory to an inspector is produced that during the said period they have not been in contact with any animals infected with glanders, and the animals in all other respects are eligible under the Act and these regulations for importation into Canada.

62. Any animals that are tested at destination point pursuant to section sixty and found to be reactors shall be slaughtered without compensation, and the remaining animals in the shipment shall be detained in quarantine for such period as the Veterinary Director General may prescribe.

Cattle

63. (1) Cattle six months old or over, excluding steers, spayed heifers and cattle for immediate slaughter, imported into Canada

(*a*) shall be accompanied by a certificate signed or endorsed by a veterinarian of the United States Bureau of Animal Industry showing that the animals were vaccinated against Brucellosis not more than twenty-two months immediately preceding the date of importation or were subjected to a blood test for Brucellosis with negative results within sixty days of the date of exportation; or

(*b*) if not accompanied by the certificate mentioned in paragraph (*a*), shall be detained in quarantine at a quarantine station for such period as an inspector may deem necessary and subjected to a test for Brucellosis, or returned to the United States.

(2) Any cattle that are tested pursuant to subsection one and found to be reactors shall be permanently marked and returned to the United States or slaughtered without compensation.

64. (1) In addition to the requirements of section sixty-three cattle for feeding purposes, breeding purposes or milk production, imported into Canada

(*a*) shall be accompanied by a satisfactory tuberculin test chart, dated not more than thirty days prior to the date of entry and signed or endorsed by a veterinarian of the United States Bureau of Animal Industry; or

Animal Contagious Diseases Act—*continued*

(*b*) if not accompanied by the certificate mentioned in paragraph (*a*) shall be detained in quarantine at a quarantine station for such period as an inspector may deem necessary and subjected to the tuberculin test, or returned to the United States.

(2) Any cattle that are tested pursuant to subsection one and found to be reactors shall be permanently marked and returned to the United States or slaughtered without compensation.

65. Cattle from fully accredited herds in the United States accompanied by a certificate signed or endorsed by a veterinarian of the United States Bureau of Animal Industry stating that they are from a fully accredited herd, and have been tuberculin-tested with negative results within one year from the date of importation, are exempt from the provisions of section sixty-four.

Swine

66. (1) All swine, except double treated swine, imported into Canada shall be accompanied by a certificate signed by a veterinarian of the United States Bureau of Animal Industry stating that hog cholera has not existed within a radius of five miles of the premises in which they have been kept for a period of six months immediately preceding date of shipment.

(2) All swine imported into Canada shall be accompanied by a certificate signed or endorsed by a veterinarian of the United States Bureau of Animal Industry stating that they are free from Brucellosis as determined by a blood test conducted within sixty days of the date of shipment and that the herd in which the swine were kept during the twelve months immediately preceding the date of shipment has been free of Brucellosis in so far as can be determined by blood test and herd history, or, when not accompanied by a certificate mentioned in this subsection, shall not be discharged from quarantine until they have been submitted to one or more blood tests for Brucellosis, and reactors to the test shall be returned to the United States or shall be slaughtered forthwith under inspection without compensation.

67. (1) Swine entering Canada through the port of Whitehorse for transit to Alaska shall be inspected before being allowed to proceed and, unless in the opinion of the inspector they are clean and free of infectious or contagious disease they shall be immediately returned to the United States.

(2) Swine in transit to Alaska shall not be landed from a boat or barge in Canadian territory, and whenever trans-shipment is necessary it shall take place directly from boat to boat; boats and barges that have carried live swine shall be disinfected before carrying other freight.

Double Treated Swine

68. All swine immunized by simultaneous injection of hog cholera virus and serum (double treated swine) may be imported into Canada if they are accompanied by a certificate signed or endorsed by a veterinarian of the United States Bureau of Animal Industry stating that hog cholera has not existed in the herd in which the swine were kept during the six months immediately preceding the date of shipment, and by the affidavit of the breeder, or last owner, that such swine were immunized not less than thirty days prior to shipment and that the swine have been immersed in a satisfactory disinfectant solution previous to shipment.

Animal Contagious Diseases Act—*continued*

Quarantine of Swine

69. All swine, whether double treated or not, imported into Canada shall be detained in quarantine at a quarantine station for a period of thirty days.

Sheep and Goats

70. (1) All sheep and goats imported into Canada for purposes other than immediate slaughter shall be admitted only at quarantine stations and shall be detained in quarantine at the international boundary for a period of thirty days unless they are accompanied by one of the following certificates:

(*a*) in the case of sheep and goats for breeding, grazing, or feeding purposes, a certificate satisfactory to an inspector, signed by an inspector of the United States Bureau of Animal Industry, stating that they have been twice dipped at an interval and in a preparation approved by that Bureau;

(*b*) in the case of purebred registered sheep and goats for breeding purposes only, a certificate satisfactory to an inspector, signed by an inspector of the United States Bureau of Animal Industry, stating that he has inspected them within the thirty days prior to their arrival in Canada, and has found them free from scabies and necrobacillosis, and that these diseases do not exist in the county or counties in which the sheep and goats originated.

(2) Sheep and goats imported for immediate slaughter shall be inspected, and if found healthy may be permitted to proceed to their destination, but all such sheep and goats shall be subject to the direction and supervision of inspectors who have full power to deal with them in such manner as will effectually prevent their being brought, prior to slaughter, into direct or indirect contact with other sheep and goats in Canada.

Dogs

71. (1) Dogs originating in the United States may be imported into Canada at any Customs port of entry if they are accompanied by a certificate in one of the following forms:

(*a*) a certificate signed or endorsed by a Veterinary Inspector of the United States Bureau of Animal Industry certifying that the dog has been inspected and found free from any symptoms of any contagious disease, that the dog has not been exposed to the infection of rabies and that no case of rabies has occurred within a radius of fifty miles of the place where the dog has been kept for the six months immediately prior to the date of being en route to Canada; the certificate shall be surrendered at the Canadian Customs port of entry; or

(*b*) a certificate signed by a licensed veterinarian of Canada or the United States certifying that the dog has been vaccinated against rabies during the preceding six months; such certificate shall carry an adequate and legible description of the dog and date of vaccination and shall be initialled by the inspecting official at the Customs port of entry and returned to the owner.

(2) Dogs originating in the United States may pass through Canadian territory from and to points in the United States without any certificate referred to in subsection one if the journey through Canadian territory

Animal Contagious Diseases Act—*continued*

is made without unnecessary stop-overs, the dog is not allowed to come in contact with any dog not so passing through Canadian territory and the owner or custodian thereof has undertaken in writing that this subsection will be complied with.

(3) Dogs originating in Canada and passing through United States territory from and to points in Canada may re-enter Canada without the certificate referred to in subsection one if the journey through United States territory is made without unnecessary stop-over, the dog is not allowed to come in contact with any dog not so passing through United States territory and the owner or custodian thereof has indicated in writing that this subsection has been complied with.

(4) Dogs specially trained for public entertainment entering Canada for temporary stay and kept under direct control while in Canada, and dogs known as "seeing-eye" dogs, are exempt from this section.

Poultry

72. Poultry may be imported into Canada from the United States if they are accompanied by a certificate issued by a State Veterinarian and endorsed by a Veterinarian of the United States Bureau of Animal Industry to the effect that the poultry covered by such certificate are free from and have not been exposed to avian pneumoencephalitis (Newcastle disease), fowl pest or fowl typhoid.

Animals for Exhibition

73. Animals other than swine or cattle may be admitted into Canada on inspection at quarantine and inspection ports only, for purposes of exhibition or other temporary stay.

Animals for Transit through Canada

74. Animals may be admitted from any part of the United States into Canada for transit to any other part of the United States in bond, and, with the exception of swine, may be admitted to Canada in bond for transit to any Canadian port for exportation by sea to Europe or elsewhere subject to their being inspected at the Canadian port of shipment.

PART V

Export to Places Other Than United States

75. (1) This Part applies only to the export of animals from Canada to places other than the United States.

(2) This Part does not apply to the shipment of cattle one year of age or under or sheep from Newfoundland to St. Pierre or Miquelon during the months of August, September and October.

76. (1) Subject to subsection two, no person shall export an animal unless it has been inspected by a veterinary inspector prior to shipment and again inspected by a veterinary inspector at the port of embarkation within twenty-four hours of embarkation and found and certified by each veterinary inspector to be free from infectious or contagious disease and in every way fit for export.

(2) In the case of cattle the inspection may be made and the certificate issued by an accredited veterinarian but in each case the certificate shall be endorsed by a veterinary inspector.

Animal Contagious Diseases Act—*continued*

77. Animals for exportation should, if possible, reach the port of exportation not less than twelve hours before embarkation for rest and inspection.

78. Owners or persons in charge of animals for exportation shall give twenty-four hours' notice, addressed to the veterinary inspector at the port of embarkation at his office, stating the number and kind of such animals and the expected time of their arrival at the port of exportation.

79. All inspections for export shall be made in daylight.

80. The Minister, on the recommendation of the Veterinary Director General, may in any particular case exempt an animal from all or any of the provisions of this Part.

81. The Collector of Customs at any port in Canada from which animals are exported shall not give a clearance to any ship having animals on board for exportation, other than those exempted under section eighty, without having produced to him a certificate, signed by a veterinary inspector or other person authorized by or under this Part to issue the certificate, to the effect that the animals therein referred to are free from contagious and infectious disease and in every way fit for shipment.

82. An animal affected with actinomycosis or Brucellosis or cattle that have reacted to the tuberculin test or the blood test for Brucellosis may be exported from Canada with special permission from the Veterinary Director General granted at the request of the appropriate authorities of the importing country.

83. (1) Subject to this section, no person shall export an animal to any place *via* a United States port unless it has been inspected by a veterinary inspector prior to shipment and again inspected by an inspector at the port of exit in Canada, within twenty-four hours of leaving Canada, and found and certified by each veterinary inspector to be free from infectious or contagious disease and in every way fit for export.

(2) In the case of cattle the inspection may be made and the certificate issued by an accredited veterinarian but in each case the certificate shall be endorsed by a veterinary inspector.

(3) Shipments of animals intended for export *via* United States ports and originating in or passing through Toronto shall be inspected in Toronto, and shipments originating in, or passing through Montreal shall be inspected at Montreal unless they are accompanied by a certificate of inspection at Toronto.

(4) Shipments of animals intended for export *via* United States ports originating in or passing through Winnipeg shall be inspected in Winnipeg and unless they are destined for Toronto or Montreal, they shall be inspected by a veterinary inspector at least twice before leaving Canada at an interval of not less than seventy-two hours between the inspections.

(5) Every carrier who carries animals for export *via* United States ports shall furnish facilities at places on the international boundary for unloading, inspection and reloading animals and except in the case of shipments to Montreal, Toronto or Winnipeg, shall give to the nearest inspector notice of intended shipments.

Animal Contagious Diseases Act—*continued*

PART VI

Export to the United States

84. This Part applies only to the export of animals from Canada to the United States.

85. No person shall export to the United States an animal that is affected with an infectious or contagious disease.

86. (1) This section applies only in respect of such animals as are from time to time designated by the Minister.

(2) No person shall export an animal to the United States unless it has been inspected by a veterinary inspector, an accredited veterinarian or such other person as the Veterinary Director General may authorize to make inspections for the purposes of this section, and found by him to be free from infectious or contagious disease.

(3) The Minister may authorize persons inspecting animals pursuant to this section to issue certificates in such form as the Minister may prescribe.

87. The Minister, on the recommendation of the Veterinary Director General, may in any particular case exempt an animal from all or any of the provisions of this Part.

88. An animal affected with actinomycosis or Brucellosis or cattle that have reacted to the tuberculin test or the blood test for Brucellosis may be exported from Canada to the United States with special permission granted by the Veterinary Director General at the request of the United States Bureau of Animal Industry.

PART VII

Named Diseases

89. In this Part "named disease" means glanders, maladie du coit (dourine), anthrax, hog cholera, mange, sheep scab, rabies, scrapie, avian pneumoencephalitis, fowl pest, fowl typhoid or such other contagious or infectious disease as may be designated by the Minister for the purposes of this Part.

90. No person shall allow an animal that is affected with or is suspected by him to be affected with a named disease to run at large or come in contact with an animal that is not so affected.

91. Where by reason of the existence or suspected existence of a named disease a place is pursuant to the Act declared to be an infected place, no animal shall during the time that such place is an infected place be removed from or brought on to that place except under the authority of an inspector.

92. Every place or thing that in the opinion of an inspector is infected with or is suspected by an inspector of being infected with a named disease shall, if an inspector so orders, be thoroughly cleansed and disinfected at the expense of the owner at such time and place and in such manner as an inspector may order.

Animal Contagious Diseases Act—*continued*

93. An animal that is affected with or has been in contact with an animal that is affected with a named disease may on the order of a veterinary inspector be isolated, dipped or otherwise treated, or slaughtered and the carcass disposed of as in the order prescribed, and in the case of maladie du coit the animal may on the order of a veterinary inspector be castrated.

94. No person shall use for breeding purposes any animal that is or is suspected by him to be affected with maladie du coit.

95. Carcasses of animals that died of anthrax or suspected anthrax shall not be skinned or cut in any way but such carcasses together with all litter, excreta and all other articles that may have been in contact with them shall be dealt with in accordance with the orders of a veterinary inspector and in a manner satisfactory to him.

96. Premises on which animals affected with anthrax have been kept shall be dealt with at the expense of the owner or occupier in a manner satisfactory to a veterinary inspector.

97. (1) An inspector may order any person having ownership, possession or control of a dog that is found or suspected by an inspector to be affected with rabies or to have been exposed to the infection of rabies to isolate or muzzle the dog as the inspector may require and every person to whom such an order is directed shall comply with the order.

(2) Whenever an inspector reports to the Minister that rabies is known or suspected to exist in any locality the Minister may order that all dogs or other animals within such area as he may determine or prescribe shall be detained, isolated or muzzled in such manner and during such period as the Minister may see fit and every person shall comply with the provisions of the order.

98. Eggs undergoing incubation or hatching in any place declared to be an infected place under the Act by reason of the existence of avian pneumoencephalitis, fowl pest, fowl typhoid or eggs that have been obtained from any such place may on an order signed by a veterinary inspector be forthwith destroyed and disposed of as in such order provided.

99. The diseases of actinomycosis and tuberculosis are exempt from the operations of sections eleven, twelve, nineteen, thirty-eight, thirty-nine and forty of the Act.

100. Cattle that have reacted to a tuberculosis test shall be deemed to be affected with tuberculosis and they shall be permanently marked as the Veterinary Director General may from time to time prescribe.

PART VIII

Tuberculosis-Free Accredited Herds

101. (1) A tuberculosis-free accredited herd is one

(*a*) that has been tuberculin tested by the subcutaneous method, or any other test approved by the Veterinary Director General, and applied by a veterinary inspector;

(*b*) in which no animal affected with tuberculosis has been found upon two annual or three semi-annual tuberculin tests and by physical examination; and

Animal Contagious Diseases Act—*continued*

(*c*) in respect of which a certificate has been issued under this Part and is in force.

(2) In this Part "tuberculin test" means a test for tuberculosis by the subcutaneous method or such other method as the Veterinary Director General may prescribe.

102. (1) The owner of a herd of cattle may apply to the Veterinary Director General to have his herd certified as a tuberculosis-free accredited purebred herd.

(2) An applicant for a certificate under this Part shall enter into an agreement with the Veterinary Director General that he will abide by the terms thereof, the Act, this Part, and all directions made pursuant to this Part.

103. Before a certificate is issued under this Part the following steps shall be taken:

(*a*) the owner of the herd shall make an arrangement with the Veterinary Director General for the tuberculin testing of the animals in the herd; and

(*b*) the owner shall submit to the veterinary inspector evidence satisfactory to the veterinary inspector establishing the identity of each registered animal in the herd, and all cattle maintained in the herd or associated with animals in the herd shall be identified by a tag or other method satisfactory to the Veterinary Director General.

104. Unless the Veternary Director General so authorizes, no cattle shall be presented by the owner for the tuberculin test if they have been injected with tuberculin within the sixty days immediately preceding the date of presentation or if they have at any time reacted to a tuberculin test.

105. When in the opinion of the Veterinary Director General the herd has successfully passed the required tuberculin tests he may issue to the owner a certificate in such form as he may prescribe, and unless sooner revoked the certificate shall remain in force for a period of one year from the date of the last test.

106. The Veterinary Director General may in his discretion cancel a certificate issued under this Part whenever he is of opinion that the holder thereof has violated any of the provisions of his agreement, these regulations or the Act, or has failed to comply with any directions made pursuant to these regulations.

107. The entire herd, or any cattle in the herd, may be tuberculin tested or re-tested, either before or after the issue of a certificate under this Part, whenever the Veterinary Director General considers it necessary.

108. During the time that an agreement made under this Part is in force

(*a*) all milk and other dairy products fed to calves in the herd to which the agreement relates shall be that produced by a tuberculosis-free accredited purebred herd or it shall be pasteurized by heating to not less than one hundred and fifty degrees Fahrenheit for not less than twenty minutes; and

(*b*) the owner of the herd shall observe all sanitary measures directed by or under the authority of the Veterinary Director General.

Animal Contagious Diseases Act—*continued*

109. An applicant for or a holder of a certificate under this Part shall not permit any animals that have not passed the required tuberculin tests to associate with or to be added to the herd.

110. The owner of a tuberculosis-free accredited purebred herd or a herd in respect of which an application has been made under this Part shall report to the Veterinary Director General within fourteen days thereof any removals from the herd, giving the identification of the animals and, if disposed of, the name and address of the person who received them.

111. Cattle transferred by railway cars or other vehicles from one tuberculosis-free accredited purebred herd to another shall be so transferred only in properly cleaned and disinfected cars or other vehicles.

PART IX

Brucellosis-Free Listed Herds

112. In this Part

(*a*) "Brucellosis-Free Listed Herd" means a herd that insofar as can be determined by the application of official agglutination or other test, by herd history, and by physical examination is recognized by the Veterinary Director General to be free from Brucellosis and in respect of which a certificate has been issued under this Part and is in force;

(*b*) "official" as applied to any test means a test conducted by or under the authority of the Dominion Animal Pathologist of the Department of Agriculture;

(*c*) "officially vaccinated" as applied to an animal means an animal that pursuant to this part has been treated from four to eight months of age inclusive with Brucella Abortus Strain 19 vaccine of a potency approved by the Veterinary Director General;

(*d*) "Registered Graduate Veterinarian" means a veterinarian who is a graduate of a recognized school, college or university and is registered and entitled to practise as a veterinarian under the laws of the province in which he resides.

113. The owner of a herd of cattle may apply to the Veterinary Director General to have his herd certified as a Brucellosis-Free Listed Herd and to have the herd supervised under the Brucellosis Control Policy of the Health of Animals Division of the Department of Agriculture.

114. No herd shall be eligible to be certified as a Brucellosis-Free Listed Herd unless the herd is also dealt with under a tuberculosis eradication policy of the Health of Animals Division.

115. An applicant for a certificate under this Part shall enter into an agreement with the Veterinary Director General that he will abide by the terms thereof, the Act, this Part, and all directions made pursuant to this Part; the applicant shall also agree that he waives all claims for damages or compensation in respect of any animals removed or destroyed pursuant to this Part.

116. Before a certificate is issued pursuant to this Part the following steps shall be taken:

(*a*) the owner shall make arrangements with a Registered Graduate Veterinarian for the collection and official testing of blood samples from all cattle in his herd over six months of age;

Animal Contagious Diseases Act—*continued*

(*b*) the blood samples shall be tested for Brucellosis at a laboratory approved by the Dominion Animal Pathologist;
(*c*) all laboratory reports respecting blood tests shall be forwarded to the Veterinary Director General;
(*d*) if three blood tests of the herd made at three-month intervals are negative the owner may have a check test made three months later by a Veterinary Inspector; and
(*e*) blood tests of a herd may be commenced immediately after an agreement under this Part is entered into.

117. When a herd has been found to be negative to an official blood test for Brucellosis on three occasions at three-month intervals and the check test made three months later is negative, the owner shall be entitled to receive a certificate; the certificate shall be issued by the Veterinary Director General in such form as he may prescribe and unless sooner revoked the certificate shall remain in force for a period of one year from the date of the check test.

118. The Veterinary Director General may in his discretion cancel a certificate issued under this Part whenever he is of opinion that the holder thereof has violated any of the provisions of his agreement, the Act, or these regulations, or has failed to comply with any directions made pursuant to these regulations.

119. With the exception of unbred yearlings and cattle up to thirty-six months of age that have been vaccinated pursuant to this Part, all cattle in a Brucellosis-Free Listed Herd or in a herd in respect of which an application for a certificate has been made under this Part that are found by official blood test to be positive to Brucellosis shall, for the purposes of this Part, be deemed to be affected with Brucellosis; all such animals shall be permanently marked by an inspector with the letter "B" on the right cheek, or by such other person or in such other manner as may from time to time be prescribed by the Veterinary Director General.

120. No cattle marked pursuant to section one hundred and nineteen shall be removed from the herd without a licence issued by a Veterinary Inspector.

121. All cattle marked under section one hundred and nineteen may be removed from the herd under licence issued by a Veterinary Inspector for immediate slaughter pursuant to section thirteen of the Act or if, in the opinion of a Veterinary Inspector, the circumstances warrant such action the animal may be removed from the herd as an addition to a Brucellosis infected herd if the owner of that herd notifies the Veterinary Director General in writing that he will not dispose of such animal except for slaughter or as an addition to another Brucellosis infected herd; and such owner shall agree not to dispose of such animal except for slaughter or as an addition to another Brucellosis infected herd.

122. No person shall have any claim to compensation or damages against His Majesty or any of His officers or servants in respect of an animal removed from a herd pursuant to section one hundred and twenty-one; and every person who has entered into an agreement pursuant to this Part shall be deemed to have waived any claim to such damages or compensation.

Animal Contagious Diseases Act—*continued*

123. An applicant for or the holder of a certificate under this Part shall not permit other cattle (except cattle from Brucellosis-Free Listed Herds and officially vaccinated cattle up to thirty-six months of age) to associate with or to be added to his herd unless such animals have been found negative to the official blood test for Brucellosis on two successive occasions with an interval of at least thirty days between tests or such longer period as the Veterinary Director General may require; the second test shall be made after the animal has been isolated for at least thirty days on premises that are free of Brucellosis infection.

124. All additions pursuant to section one hundred and twenty-three that are pregnant shall, unless from a Brucellosis-Free Listed Herd, be isolated pending parturition and the passing of a negative blood test for Brucellosis at least twenty-one days thereafter and not less than thirty days subsequent to the date of a preceding official test for Brucellosis.

125. All check tests made for the purpose of establishing the eligibility of a herd for a certificate under this Part, final tests of additions to herds, tests of Brucellosis-Free Listed Herds and all annual tests of Brucellosis-Free Listed Herds shall be conducted by a Veterinary Inspector.

126. The Veterinary Director General may cancel the certificate issued in respect of a herd if any tests mentioned in section one hundred and twenty-five are made otherwise than as prescribed by that section or if in the opinion of the Veterinary Director General the holder of the certificate has permitted the taking of blood samples for tests for Brucellosis that are not official.

127. A Brucellosis-Free Listed Herd shall be officially tested annually for Brucellosis and any animal in the herd may be tested or retested at such times as the Veterinary Director General may deem necessary.

128. The owner of a Brucellosis-Free Listed Herd or a herd in respect of which an application for a certificate has been made under this Part shall report to the Veterinary Director General within fourteen days thereof any removals from the herd.

129. The holder of a certificate issued under this Part shall observe all sanitary measures directed by or under the authority of the Veterinary Director General.

130. All animals in a Brucellosis-Free Listed Herd that upon annual or other tests are found to be questionable shall, unless officially vaccinated, be isolated and retested at intervals of not less than thirty days; such questionable animals shall not be removed from the herd except in the manner and under the conditions prescribed by section one hundred and twenty-one.

131. All milk and other dairy products fed to calves in a Brucellosis-Free Listed Herd shall be obtained from Brucellosis-Free Listed cattle or shall be pasteurized or brought to boiling point.

132. An applicant for or holder of a certificate under this Part shall not vaccinate any animal in his herd except in accordance with this Part.

133. Animals shall not be eligible for official vaccination unless they are the natural increase in a Brucellosis-Free Listed Herd or a herd in

Animal Contagious Diseases Act—*continued*

respect of which an application has been made under this Part or under a provincial plan that conforms to this Part and have passed at least one negative test for Brucellosis.

134. Official vaccination shall be done by a Registered Graduate Veterinarian engaged by the applicant for or holder of a certificate under this Part who shall accept all responsibility therefor.

135. A calf that at the time of vaccination is not carrying the Health of Animals Division ear tag or other identification approved by the Veterinary Director General shall be identified by the Registered Graduate Veterinarian by attaching a Health of Animals Division ear tag in the left ear; the Registered Graduate Veterinarian shall record on a form prescribed by the Veterinary Director General a description of the calf, the date of vaccination and other relevant information and shall forthwith forward the same to the nearest Health of Animals Division District or Sub-district Office.

136. No registered Graduate Veterinarian shall attach a Health of Animals Division ear tag to an animal unless that animal has been vaccinated by him pursuant to this Part or unless he is by some other Part of these regulations authorized so to affix the ear tag.

137. It is not necessary to take a blood sample from an officially vaccinated calf before it has reached the age of twenty-four months except to qualify it for export or for such other purposes as may be authorized by a Veterinary Inspector.

138. An officially vaccinated animal in a Brucellosis-Free Listed Herd shall, for the purpose of this Part, until it has attained the age of thirty-six months be deemed to be free from Brucellosis notwithstanding that official blood tests for Brucellosis are positive, negative or questionable, unless the animal shows actual evidence of Brucellosis infection.

139. Whenever in the opinion of a Veterinary Inspector Brucellosis infection has been introduced into or occurs in a Brucellosis-Free Listed Herd all animals in the herd including officially vaccinated animals of any age shall be submitted to a blood test and any officially vaccinated animal twenty-four months of age or more showing a positive reaction shall be isolated and retested.

140. For the purpose of this Part cattle shall be deemed to be officially vaccinated if they are vaccinated with Brucella Abortus Strain 19 vaccine under a provincial plan which conforms to this Part.

PART X

Restricted Areas

141. This Part applies to areas that have been constituted restricted areas pursuant to this Part or pursuant to regulations made under the Act prior to the coming into force of these Regulations.

142. The Minister of Agriculture of any province may apply to the Minister to have any area in the province constituted a restricted area for the eradication of bovine tuberculosis.

Animal Contagious Diseases Act—*continued*

143. The application shall state:

(*a*) the location and boundaries of the area;

(*b*) the approximate number of cattle within it;

(*c*) that a majority consisting of at least two-thirds of the cattle owners in the area are in favour of having their cattle tested for the eradication of tuberculosis; and

(*d*) that the provincial Government whenever requested by the Minister, will assist in the enforcement of this Part by conducting prosecutions of persons accused of obstructing or refusing to assist inspectors engaged in the work of testing cattle, and persons who, in any way, refuse to obey the regulations made hereunder.

144. When the Minister approves the application a proclamation may be issued by the Governor in Council and published in the *Canada Gazette* constituting the area a restricted area for the eradication of bovine tuberculosis.

145. Cattle may be moved into or out of a restricted area only under the following conditions:

(*a*) cattle from tuberculosis-free accredited herds and accompanied by a certificate of a veterinary inspector may enter the area without test;

(*b*) other cattle entering the area for permanent stay, except steers and heifers of a feeder type, originating in herds other than those in restricted areas shall not be permitted entry into a restricted area unless the herd of origin has passed a negative tuberculin test within the previous twelve months and the cattle entering the area have passed a negative tuberculin test within the sixty days immediately preceding their entry into the area;

(*c*) steers and heifers of a feeder type may be admitted into the area without test if

(i) they are accompanied by a licence issued by a veterinary inspector; and

(ii) they are isolated from other cattle and are submitted to a tuberculin test conducted by a veterinary inspector upon arrival; and any cattle that react to the test shall forthwith be removed and slaughtered without compensation;

(*d*) cattle for entry into the area for exhibition purposes or other temporary stay other than the classes described in paragraphs (*a*) and (*b*) shall before entering the area be subjected to and pass a tuberculin test conducted by a veterinary inspector or an accredited veterinarian;

(*e*) cattle for immediate slaughter consigned to slaughter-houses approved by the Veterinary Director General may be brought into the area without test, but they shall not be allowed to come in contact with other cattle, and shall be kept isolated on the premises until slaughtered; and any unfinished cattle not immediately slaughtered may be held for feeding purposes under the following conditions:

(i) they shall be submitted to a tuberculin test by a veterinary inspector;

(ii) reactors shall be promptly removed and slaughtered without compensation;

Animal Contagious Diseases Act—*continued*

(iii) non-reactors may be moved to any premises within the area for feeding purposes; they shall be isolated and quarantined for a re-test to be conducted after the expiration of a sixty-day period and shall be subject to further quarantine until slaughtered or they have passed two further tuberculin tests conducted at six-month intervals;

(*f*) cattle in transit across the area by rail shall not be unloaded except at a point designated by the Veterinary Director General for the purpose, where they may be kept from contact with other cattle within the area;

(*g*) cattle shall not be driven across the area by road unless special permission has been obtained in writing from the veterinary inspector in charge of the area.

146. Owners of cattle within a restricted area shall assist veterinary inspectors in making test by assembling the cattle when requested by the veterinary inspector and giving whatever additional help he may reasonably require, and owners when requested by any veterinary inspector shall furnish meals and bed for the veterinary inspector while he is conducting the test.

147. Suitable transportation from farm to farm within a restricted area for inspectors and veterinary inspectors shall be provided by the provincial government.

148. Use of syndicate or joint bulls is permitted in herds that are equally free from disease but not otherwise.

149. (1) All cattle within a restricted area, unless otherwise provided for in this Part, shall be submitted to a tuberculin test as soon as practicable by veterinary inspectors and shall be retested whenever deemed necessary by the Veterinary Director General.

(2) Reactors to the test shall be marked for identification and shall forthwith be disposed of by slaughter under inspection.

150. No person shall feed cattle within a restricted area on by-products of cheese factories, skimming stations or butter factories unless the by-products have first been sterilized by heat.

151. The Minister may order exempt from the operation of this Part public stockyards and other areas for the assembling and marketing of cattle.

152. All premises and articles infected, or suspected of being infected with tuberculosis, shall be thoroughly cleaned and disinfected by and at the expense of the owner or occupier, in a manner satisfactory to an inspector.

153. The Veterinary Director General may declare any county, municipality, district or other area an accredited area for a period of three or six years under the following conditions:

(*a*) when the percentage of cattle affected with tuberculosis does not exceed one-half of one per cent the area may be accredited for a period of three years;

(b) when the percentage of cattle affected with tuberculosis does not exceed two-tenths of one per cent the area may be accredited for

Animal Contagious Diseases Act—*continued*

a period of six years, and the area may be continued accredited for a further period of three years if there are no indications that the percentage of tuberculosis is increasing;

(*c*) when the percentage of cattle affected with tuberculosis is over one-half of one per cent, but not more than one per cent, the area may be accredited for a period of three years, if the affected herds are re-tested and the percentage of affected cattle, as a result of this re-test, does not exceed one-half of one per cent of the total number of cattle within the area;

(*d*) a range or semi-range area may be accredited for a period of three years when all cattle in herds not considered range or semi-range herds have been submitted to a tuberculin test, and when in the range or semi-range herds all bulls, pure-bred breeding cattle, milch cows, home-fed cattle and, in addition, a representative group of at least ten per cent of the range or semi-range cattle, have been submitted to a tuberculin test, and the percentage of cattle infected does not exceed one-half of one per cent, but when a reactor to a tuberculin test, or other evidence of tuberculosis, is found in a range or semi-range herd the entire herd shall be tested.

PART XI

Importation of Articles

Interpretation

154. In this Part

(*a*) "approved premises" means premises approved by the Veterinary Director General for disinfection under this Part;

(*b*) "restricted import animal product" means anything that under this Part is permitted entry into Canada subject to disinfection.

Foreign Wool and Hair

155. (1) Except as provided in this Part no person shall import into Canada raw wool, raw hair or raw bristles.

(2) Raw wool, raw hair and raw bristles may be imported into Canada from any part of the world in accordance with this Part if it is accompanied by a certificate of origin or a certificate of disinfection.

156. (1) The certificate of origin shall be a certificate satisfactory to a veterinary inspector and indicating a country of origin that in the opinion of the Minister has been free from foot and mouth disease for a period of six months prior to the date of presentation of the shipment for entry into Canada.

(2) The certificate of origin shall be either

(*a*) from a responsible government official of the country of origin or of a country through which it has passed; or

(*b*) from a responsible official of the Chamber of Commerce of the town from which the wool is shipped to Canada, giving the country of origin.

(3) The statement of the country of origin in the certificate is not conclusive, and the veterinary inspector may examine any documents accompanying the shipment for the purpose of ascertaining the country of origin.

Animal Contagious Diseases Act—*continued*

157. The certificate of disinfection shall be a certificate signed by a responsible official of the United Kingdom Government Wool Disinfection Station at Liverpool, England.

158. Shipments of raw wool, raw hair or raw bristles not accompanied by a certificate of origin or a certificate of disinfection shall be held at the point at which they enter Canada until licensed to their destination by a veterinary inspector for disinfection there; shipments *via* United States ports destined to or routed through Montreal, Toronto or Winnipeg, may be allowed to proceed to these places, but shall not proceed further without a licence from a veterinary inspector, and each of the waybills, conductors' manifests, memoranda and bills of lading pertaining to such shipments shall have the words "Hold for veterinary supervision and licence at Montreal, Toronto or Winnipeg", as the case may be, plainly stamped or written across the face.

159. Shipments of raw wool, raw hair or raw bristles produced or given consumption entry in the United States may be imported into Canada at the discretion of the Veterinary Director General without disinfection and without a certificate as prescribed in section one hundred and fifty-five.

160. (1) Wool, hair and bristles subject to disinfection under this Part shall be disinfected under the supervision of an inspector, and such wool, hair or bristles shall not be permitted to go forward to destination until the consignee satisfies the Minister that he has, or can provide, the necessary facilities for disinfection.

(2) The disinfection when required by this Part shall consist of exposure to a temperature of not less than one hundred and eighty-five degrees Fahrenheit for at least fifteen minutes, or in such other manner as may be required by the Veterinary Director General.

161. Tops, waste, noils, laps, small trade samples, lime pulled wool and hair, scoured wool and hair and carbonized wool and hair may be imported into Canada without restriction.

162. No person shall import into Canada matted or bloodstained wool, hair or bristles.

Foreign Hides, Skins and Glue Stock

163. No person shall import into Canada any untanned hides or skins of cattle, buffalo, sheep, goats, other ruminants, swine, horses, mules or asses except as follows:

(*a*) untanned hides and skins originating in the United States of America may be imported if each shipment is accompanied by a sworn declaration of the shipper that the hides or skins were taken from animals that originated in that country;

(*b*) untanned hides and skins originating in other countries that in the opinion of the Minister are free from foot and mouth disease, rinderpest, and other serious epizootic diseases, may be imported direct or *via* the United States, if accompanied by a certificate signed by an official veterinarian of the country of origin stating that anthrax is not prevalent, that foot and mouth disease, rinderpest, or any other serious epizootic disease does not exist in that country, and that the hides and skins were taken off animals in that country;

Animal Contagious Diseases Act—*continued*

(*c*) hard-dried hides and skins originating in any country may be imported if found upon inspection by an inspector to be thoroughly hard-dried;

(*d*) untanned hides and skins originating in any country may be imported for disinfection if consigned to approved premises.

164. (1) No person shall import into Canada bones, hoofs, horns, fleshings, hide cuttings or parings, raw animal products or other glue stock from any country in which foot and mouth disease, rinderpest, or other serious epizootic diseases exist in the opinion of the Minster.

(2) The products mentioned in subsection one and originating in countries that in the opinion of the Minister are free from foot and mouth disease, rinderpest, and other serious epizootic diseases may be imported if they are disinfected as provided in this Part at approved premises.

165. (1) Documents accompanying shipments of hides and skins mentioned in paragraph (*a*) or (*b*) of section one hundred and sixty-three shall show identification markings, invoice number, names and addresses of consignor and consignee, and the title of the person whose signature is attached.

(2) Shipments of hides and skins unaccompanied by the documents mentioned in subsection one, or accompanied by documents unsatisfactory to an inspector, may be imported only after disinfection at approved premises as provided in this Part.

166. (1) All shipments presented for entry under paragraph (*d*) of section one hundred and sixty-three and section one hundred and sixty-four shall be forwarded to approved premises for disinfection in cars sealed by inspectors or customs officials.

(2) The seals shall be broken at destination points only by inspectors or customs officials.

(3) All such shipments shall be unloaded under the direction of inspectors.

(4) Restricted shipments shall not be removed from storage premises until special permission has been received from the Veterinary Director General.

(5) Boats and cars conveying such shipments, and trucks, vehicles, and all contact matter, shall be disinfected to the satisfaction of an inspector.

(6) All persons shall wear gloves in handling uncertified shipments, and until such shipments reach the beam-house.

(7) The water and other fluids used in the first soaking of such shipments shall not be permitted to flow into streams, unless they have first been sterilized by heat, or by the addition of a disinfectant approved by the Veterinary Director General.

Disinfection

167. Restricted import animal products shall be conveyed to the place of disinfection only in railway cars.

168. (1) Transportation companies shall securely affix and maintain on both sides of all cars carrying restricted import animal products durable placards not less than five and one-half inches wide and eight inches long on which is printed with permanent black ink and in bold face letters not less than one and one-half inches in height the words "Restricted import animal product" and the words "Clean and disinfect this car".

Animal Contagious Diseases Act—*continued*

(2) For a period of six months after the coming into force of these regulations the words "Uncertified import animal product" may be used in lieu of the words "Restricted import animal product" in the case of raw wool, raw hair or raw bristles.

169. Every waybill, conductor's manifest, memorandum and bill of lading pertaining to a shipment of a restricted import animal product shall have the words "Restricted import animal product; clean and disinfect car" plainly written or stamped upon its face.

170. All cars that have been used for carrying restricted import animal products shall be cleaned and disinfected under the supervision of an inspector by the final carrier at the point of destination as soon as possible after unloading and before the cars are removed from the final destination point.

171. Where the products are destined to places at which an inspector and proper facilities are maintained the cars shall be cleaned and disinfected at those places under the supervision of the inspector.

172. Where the products are destined for places at which an inspector is not maintained the transportation company shall seal and forward the cars to a place to be agreed upon between the transportation company and the Veterinary Director General at which an inspector is maintained and the transportation company shall there clean and disinfect the cars under the supervision of an inspector.

173. Where restricted import animal products are transferred from one car to another the cars from which the transfer is made and any part of the premises at the place of transfer that may have been contaminated shall be cleaned and disinfected by the transportation company and the transportation company shall immediately report the transaction by telegraph to the Veterinary Director General and shall include in the report the following information:

(*a*) the nature of the emergency that necessitated the unloading;
(*b*) the place where the shipment was unloaded;
(*c*) the original points of shipment and destination;
(*d*) the number and initials of the original car; and
(*e*) the number and initials of the cars into which the shipment was reloaded.

174. The disinfection of hides and skins shall be carried out as expeditiously as possible and shall consist of one of the following methods, or any other method approved by the Veterinary Director General:

(*a*) by immersion for not less than twenty-four hours in a one to one thousand bichloride of mercury solution;
(*b*) by immersion for not less than twenty hours in a solution containing two per cent absolute hydrochloric acid (hydrogen chloride) and ten per cent sodium chloride;
(*c*) by immersion for not less than forty hours in a solution containing one per cent absolute hydrochloric acid (hydrogen chloride) and ten per cent sodium chloride;
(*d*) by immersion for not less than twenty-four hours in a solution containing one per cent formic acid and mercuric chloride in the proportion of one part to two thousand five hundred parts of the solution; hides and skins treated by this process shall be held for two weeks following the treatment before neutralization;

Animal Contagious Diseases Act—*continued*

(*e*) by dehairing and pickling in a solution of salt containing a mineral acid, and packing in barrels, or casks, while still wet with such solution, and the hides or skins are not neutralized within thirty days after being packed;

(*f*) by dehairing by the liming process by immersion for not less than twelve hours in a solution containing not less than fifteen pounds of lime to each one hundred gallons of water.

175. All bones, hoofs, horns, fleshings, hide cuttings or parings, raw animal products or other glue stock shall be moved from the frontier port to approved premises in containers approved by the Veterinary Director General, or in cars sealed by Customs or Health of Animals Division officials, and, upon arrival at the establishment, disinfected before removal therefrom by one of the following methods, or any other special method approved by the Veterinary Director General:

(*a*) by heating in water at a temperature of two hundred and twelve degrees Fahrenheit for not less than fifteen minutes, or by heating in water at a temperature of not less than one hundred and eighty degrees Fahrenheit for not less than four hours;

(*b*) by soaking in a milk of lime, or a lime paste, for not less than twenty-four hours;

(*c*) by soaking in water containing not less than two per cent of absolute hydrochloric acid for not less than twenty hours;

(*d*) by soaking in water containing not less than one per cent of absolute hydrochloric acid for not less than forty hours;

(*e*) hoofs and horns may be treated by heating in water at a temperature of not less than one hundred and sixty-five degrees Fahrenheit for not less than fifteen minutes.

176. All containers shall either be burned or subjected to moist heat at a temperature not less than two hundred and twelve degrees Fahrenheit for not less than fifteen minutes.

Refuse from Ships

177. No person shall land or discharge manure, garbage or refuse in any ports or waters of Canada from ships sailing from other countries.

Merchandise

178. (1) No person shall import into Canada any merchandise packed in hay, straw, or any other raw product of the soil from any countries except the United States, New Zealand and Australia, unless:

(*a*) the merchandise is accompanied by a certificate signed by a properly qualified and authorized government veterinarian of the country of origin to the effect that the packing has actually been effectively disinfected by being placed loosely in an air-tight compartment, the temperature of which was maintained at not less than sixty-five degrees Fahrenheit and spraying over and into the packing ten fluid ounces of formaldehyde solution (containing not less than thirty-seven per cent formaldehyde by weight) for each one thousand cubic feet of space in the compartment which was immediately closed, and kept closed for not less than eight hours;

(*b*) the shipments have been disinfected at a fumigation station maintained in Canada by the Department of Agriculture at a cost to the shipper, or importer, of fifty cents per package of one

Animal Contagious Diseases Act—*continued*

hundred pounds, or under, or ten cubic feet or under, and one dollar per package over one hundred pounds in weight, or over ten cubic feet.

(2) In this section the expression "properly qualified and authorized veterinarians" means veterinarians whose names have been forwarded to the Veterinary Director General by the national governments of the countries of origin.

Manure, Fertilizers and Feeding Stuffs Containing Animal Matter

179. (1) Except as provided in subsection two, no person shall import

(*a*) raw manure,

(*b*) fertilizers containing animals products, or

(*c*) bone meal or feeding stuffs for animals containing animal matter.

(2) The products enumerated in paragraphs (*b*) and (*c*) of subsection one originating in and shipped direct from countries that in the opinion of the Minister have been free from foot and mouth disease for a period of six months immediately preceding date of shipment, and bone meal from especially approved premises in Great Britain, may be imported, but all shipments of such products shall be accompanied by the sworn declaration of the shipper stating the country of origin and that the product had not been outside of that country before direct shipment to Canada.

Feeding Stuffs

180. (1) Subject to subsection two, no person shall import into Canada any bran, middlings, beet pulp, or other mill feeds, corn, oats, wheat, rye, buckwheat or other grains, for use in the feeding of live stock, or capable of conversion into feed for live stock after importation into Canada, unless the shipment is accompanied by the following documents:

(*a*) the certificate of a Canadian Consular officer, or if there is no Canadian Consular officer, a British Consular officer, resident in the country of origin, or a specially authorized official in the country of origin, whose name has been received by the Minister, showing—

(i) that the product, if not shipped in bulk, has been sacked in new bags that have not been previously used for any purpose at a mill at the port of shipment, or at a central interior place where inspections can be made;

(ii) that the product has been transferred direct from the mill to disinfected chutes, cars, trucks, or barges, to the vessel transporting the shipment to Canada;

(*b*) a certificate of the captain of the vessel on which the product is shipped to Canada that no cattle, sheep, goats, other ruminants, nor swine, except those accompanied by a permit from the Minister, were embarked for any purpose on board the vessel on which the shipment so certified was conveyed to Canada.

(2) Any of the products mentioned in subsection one may be imported from countries declared by the Minister to be free from foot and mouth disease for a period of six months immediately preceding the date of shipment if they are shipped direct to Canada and are accompanied by

(*a*) a sworn declaration of the shipper that the product was grown in such country, and had not been out of that country prior to shipment to Canada, and if second hand bags are used a further declaration that the bags originated in that country and had not been out of that country prior to shipment; and

Animal Contagious Diseases Act—*continued*

(*b*) in the case of overseas shipments, a certificate by the captain of the vessel on which the product was shipped that no cattle, sheep, goats, other ruminants nor swine, except those accompanied by a permit from the Minister, were embarked for any purpose on board the vessel on which the shipment so certified was conveyed to Canada.

181. No person shall import into Canada any hay, straw and other similar forage for use in feeding live stock from any country other than the United States.

Meats and Meat By-Products

182. No person shall import into Canada either direct, or *via* other countries, any meats or meat by-products, (other than cooked canned meats, cooked canned meat by-products, edible tallow and oleo stearine) from countries in which foot and mouth disease, or rinderpest, has in the opinion of the Minister existed during the preceding twelve months, except that feathered game may be imported if the feet of the birds have been removed at a point above the spur or spur core.

Fabrics

183. No person shall import into Canada any secondhand, or previously used cheesecloth or other fabrics, that have been used in the covering of meats, unless the shipment is accompanied by the sworn declaration of the shipper, and the inspector is satisfied that, the fabrics have been boiled in a solution of caustic potash or caustic soda.

Hatching Eggs

184. (1) No person shall import into Canada from the United States any poultry eggs for hatching purposes unless they are presented for entry in new, clean containers and are accompanied by a certificate issued by a veterinarian of the United States Bureau of Animal Industry or by a State veterinarian and endorsed by a veterinarian of the United States Bureau of Animal Industry stating to the best of his knowledge the eggs to which the certificate relates originate from a flock that is free from avian pneumoencephalitis (Newcastle Disease), fowl pest and fowl typhoid.

(2) No person shall import into Canada from any country other than the United States any poultry eggs for hatching purposes unless they are presented for entry in new, clean containers and are accompanied by a certificate signed by a veterinarian authorized by his national government to certify to the effect that the eggs to which the certificate relates originate from a flock that is free from avian pneumoencephalitis (Newcastle Disease), fowl pest and fowl typhoid.

Semen

185. No person shall import into Canada the semen of animals for artificial insemination without a permit issued by the Veterinary Director General.

186. Application for a permit to import semen shall be made in writing to the Veterinary Director General, and the application shall be accompanied by a certificate signed or endorsed by an official veterinarian of the national government of the country of origin showing that the animal from which the semen is to be obtained has been examined and found free from any evidence of infectious or contagious disease.

Animal Contagious Diseases Act—*continued*

187. (1) When the semen is to be used for the impregnation of cows an official certificate shall accompany the application for a permit.

(2) The certificate mentioned in subsection one shall state:

(*a*) that the bull has passed a negative test for Brucellosis within the previous twelve months; and

(*b*) that the bull and the herd in which it is kept are free from tuberculosis.

188. To secure a permit to import semen from pure-bred animals duty-free for the improvement of stock the applicant shall state the breed, registered name and registration number of the male animal from which the semen is to be obtained, the book of record in which registered and the name and address of the owner of the animal.

189. No permit to import semen shall be issued unless the country of origin has been declared by the Minister as having been free from foot and mouth disease and rinderpest for a period of six months preceding date of application.

PART XII

Veterinary Biologics

190. In this Part,

(*a*) "veterinary biologics" means aggressins, serums, viruses, toxins, tuberculin, mallein, Johnin, abortin, vaccines, micro-organisms either living or killed, and products of micro-organisms intended for use in the treatment or diagnosis of diseases of animals;

(*b*) "permit" means the permit of the Veterinary Director General;

(*c*) "licence" means the licence of the Veterinary Director General;

(*d*) "department" means the Department of Agriculture.

191. No person shall import veterinary biologics into Canada without a permit issued by the Veterinary Director General under this Part.

192. Permits shall be valid for the calendar year in which they are issued but may be revoked at any time by the Veterinary Director General.

193. Applications for permits shall be made on forms supplied by the Veterinary Director General, and shall furnish the information therein required, which shall include the name of each product, the name and address of the manufacturer, and of the shipper, and the name of the country, or countries, in which the products are manufactured; the official designating number, stamp, or mark of products approved by countries in which their manufacture is officially regulated shall also be shown.

194. Such samples of imports as the Veterinary Director General may deem necessary for testing for potency, sterility and immunizing properties, shall be furnished by the importer free of any charge, but the Veterinary Director General shall furnish such importer with a report of the test of the sample within a reasonable time.

195. (1) No person shall manufacture veterinary biologics in Canada without a license issued by the Veterinary Director General under this Part.

Animal Contagious Diseases Act—*continued*

(2) Applications for licences shall be made on the forms supplied by the Veterinary Director General.

(3) The Veterinary Director General shall, upon receipt of an application, cause an inspection to be made of the premises, and no licence shall be issued unless a satisfactory report is received from the person making the inspection.

(4) Licences shall not be issued until the premises and equipment are suitable and sufficient for the purpose, and the person in charge of the manufacture has the training, skill and experience necessary for the work.

(5) The Veterinary Director General may require the person in charge of the manufacture of veterinary biologics to submit his qualifications, and shall not issue licences to manufacturers who do not employ a graduate of a recognized veterinary or medical college to supervise the manufacture of the biologics.

(6) The Veterinary biologics that may be manufactured under the licence shall be specified in the licence and manufacturers shall not manufacture biologics other than those so specified.

(7) The Veterinary Director General may amend licences by adding or removing the name of any biologic.

(8) The Veterinary Director General may cancel any licence issued by him whenever in his opinion the manufacturer fails to observe the conditions of the permit or the provisions of this Part.

(9) Unless sooner cancelled licences shall be valid for the calendar year in which they are issued.

(10) Licences shall be numbered and shall be in the following form:

CANADA

DEPARTMENT OF AGRICULTURE

HEALTH OF ANIMALS DIVISION

Licence to Manufacture Veterinary Biologics

Under authority of the Animal Contagious Diseases Act and Regulations ..... is licensed to manufacture at the premises situated at ..... in the ..... of ..... in the province of ..... the following biologics .....
.....
.....

This licence is for the calendar year .....
Dated.....

Signed .....
Veterinary Director General.

196. (1) Labels and advertising matter are subject to the approval of the Veterinary Director General and shall not be used until they are so approved.

(2) Labels shall not include any false or misleading name or description of the articles or product labelled or advertised.

Animal Contagious Diseases Act—*continued*

(3) Each trade label shall bear a return date affixed before the biologic is removed from the establishment, and the date shown shall be a date after which the manufacturer does not guarantee the product to be of full strength or potency.

(4) Labels shall include the following statement—"Licensed by the Department of Agriculture, Establishment No. ..... ".

197. (1) Establishments in which veterinary biologics are manufactured shall be suitably located to prevent the spread of disease.

(2) Establishments shall be of such a construction and finish as to permit of their being readily cleaned and maintained in a clean condition.

(3) Establishments shall be properly ventilated, lighted, appropriately drained and maintained in good sanitary condition.

(4) The water supply, both hot and cold, shall be ample and clean; adequate facilities shall be provided for the distribution of water and for the washing of all equipment, containers, instruments, machinery, other apparatus, and animals used in the preparation, handling, or storing of any biological product.

(5) Satisfactory methods to avoid contamination shall be employed in the preparation and bottling.

(6) Manufacturers shall provide incinerators, or other approved methods, for the destruction of carcasses of animals and contaminated materials of a dangerous character.

(7) Animals affected with, or exposed to any infectious or communicable disease, shall be properly segregated.

(8) Animals used in the preparation or testing of any product shall not be removed from the premises except with the authority of the Veterinary Director General.

(9) Samples of the finished products of the establishments, and of any cultures, media, chemicals, and other materials, may be taken for examination by inspectors without compensation.

(10) Manufacturers shall admit to all parts of the premises under licence any inspector at any time of the day or night without notification.

(11) Manufacturers shall afford every facility for the inspection of all equipment and supplies, including chemicals, apparatus, instruments and other materials, and of live stock.

(12) Manufacturers shall afford every facility for the investigation of the procedure followed in the manufacture, storage, distribution and recording of biologics.

198. The following records shall be maintained in licenced establishments, and they shall at all times be available for inspection to inspectors, namely:

(*a*) each lot, or batch, of each biologic shall have an identifying serial number, and the serial number shall be placed on the label of the product;

(*b*) a record of the persons to whom the products have been distributed, and the record shall include the serial numbers of the biologics distributed;

(*c*) a record of the manufacture of each biological product, and of tests for potency, sterility, and immunizing properties.

Animal Contagious Diseases Act—*continued*

199. (1) Upon the request of the Veterinary Director General protocols of experiments relating to veterinary biologics shall be forwarded to him.

(2) The Veterinary Director General shall promptly notify the manufacturer at any time a product is found to be dangerous or of no value, which shall be identified by the serial number, and thereupon the manufacturer shall promptly recall the product in question and dispose of it in a manner approved by the Veterinary Director General.

PART XIII

Stock Cars and Poultry Crates

200. All stock cars intended for the conveyance of animals from any place in Canada to the United States, or for transit through United States territory to any other part of Canada, shall be thoroughly cleaned and disinfected before the animals are placed therein.

201. All cars conveying animals into Canada from the United States, whether such animals are intended for places in Canada or for transit to some other part of the United States, shall be inspected, and unless found in a clean and sanitary condition shall be returned to the United States.

202. (1) All stock cars, whether of Canadian origin or not, and whether empty or conveying merchandise other than live stock, entering Canada from the United States, if not showing evidence of having been so treated, shall be thoroughly cleaned and disinfected to the satisfaction of an inspector, and in default shall be returned to the United States.

(2) This section does not apply to empty stock cars, bonded and sealed with a customs seal, entering Canada from the United States in transit to some other part of the United States.

203. Stock cars that have conveyed animals from the United States to places in Canada shall be thoroughly cleaned and disinfected immediately after being unloaded, and before being returned to the country whence they came.

204. All inspections required by this Part shall be made between the hours of eight o'clock in the forenoon and four o'clock in the afternoon unless the railway company furnishes artificial lighting and other facilities satisfactory to an inspector, in which case inspections may be made for such company at any hour, on due notice being given to the inspector on duty for the time being.

205. Any animal dying from any cause whatever when in transit through Canada from one place in the United States to another in that country, shall not be removed from the car in which it died while in Canadian territory.

206. All swine entering Canada for transit and all cars conveying such swine shall be inspected by an inspector immediately after entering Canadian territory; and any cars containing swine showing evidence of disease, and any cars that are dirty or do not, in the opinion of the inspector, meet in every way the requirements of this Part shall be immediately returned to the United States.

Animal Contagious Diseases Act—*continued*

207. All cars conveying swine from the United States into Canada intended for transit to some other part of the United States, shall be fitted with ten-inch footboards in a manner satisfactory to an inspector.

208. The douching or drenching with water of swine originating in the United States or cars containing them, while in transit through Canada is prohibited.

209. Swine originating in the United States, while in transit through Canada, shall not be unloaded from the cars containing them.

210. All empty stock cars arriving at or passing through any of the places hereinafter mentioned, shall, unless bearing evidence of having previously been so treated, be cleaned and disinfected under the supervision of an inspector before being allowed to proceed:

St. John's, Charlottetown, Halifax, Moncton, Saint John, Montreal, Quebec City, Ottawa, Toronto, Niagara Falls, Bridgeburg (Ft. Erie), Stratford, Winnipeg, terminals situated in the municipalities of Winnipeg, St. Boniface, Transcona, Regina, Prince Albert, Moose Jaw, Saskatoon, Lethbridge, Calgary, Edmonton, Edmonton South, Kamloops, Port Mann, New Westminster, Victoria and Vancouver.

Poultry Crates

211. Every owner or operator of a poultry processing plant or poultry killing plant shall in the manner and at the time prescribed in this Part clean and disinfect all live-poultry crates received at such plant.

212. (1) After each use as a live-poultry crate and before leaving the plant all crates shall be thoroughly cleaned and shall be dipped for at least two minutes in an aqueous solution of two per cent formalin, or other approved disinfectant.

(2) No owner or operator of a poultry processing plant or poultry killing plant shall remove or permit to be removed from such plant any live-poultry crate unless that crate has been cleaned and disinfected as provided in this section.

213. For the purposes of this Part the expression "live-poultry crate" means any crate, box, receptacle or container used for transporting or conveying live poultry and the expression "approved disinfectant" means a pest control product that is registered under the Pest Control Products Act and has a phenol coefficient of not less than two.

214. (1) In this section

(*a*) "enforcement officer" means an inspector under the Animal Contagious Diseases Act or under the Live Stock and Live Stock Products Act; and

(*b*) "owner" means the owner of a live-poultry crate, the person who last used it for the purpose of buying, selling, or conveying live poultry or their agents.

(2) Every person who uses live-poultry crates for the purpose of buying or selling live poultry or for the purpose of conveying live poultry for hire shall after each such use and before the crate is again used for such purposes, clean and disinfect the crate as prescribed in this section.

Animal Contagious Diseases Act—*continued*

(3) The crate shall be thoroughly cleaned and shall be dipped for at least two minutes in an aqueous solution of two per cent formalin or other approved disinfectant, or disinfected in such other manner as the Veterinary Director General may prescribe.

(4) No person shall use for the purpose of buying or selling live poultry or for the purpose of conveying live poultry for hire, any poultry crate that has previously been used for the purpose of buying, selling or conveying live poultry, unless it is first cleaned and disinfected as prescribed in this section.

(5) An enforcement officer may place under detention any poultry crate in respect of which he reasonably believes the provisions of this section have not been complied with.

(6) The enforcement officer shall attach to the crate or on one of the crates of a particular lot a tag bearing the words "Under detention—Department of Agriculture" and bearing a brief description of the lot, the date of detention, the signature of the inspector and an indication of the place to which the crates may be taken for cleaning and disinfection.

(7) When an enforcement officer places any live-poultry crates under detention pursuant to this section he shall deliver, personally or by registered mail, to the owner of the crates a notice of detention in such form as the Veterinary Director General may prescribe and shall also deliver, personally or by mail, a copy of the notice to the proprietor or occupant of the premises on which the crates are situated at the time of detention.

(8) The following provisions apply in respect of a live-poultry crate on which a detention tag has been placed pursuant to this section and in respect of every crate in the same lot:

(*a*) the crates shall be taken by the owner to the place indicated on the detention tag and the owner shall there clean and disinfect the crates as prescribed in subsection three;

(*b*) no person other than an enforcement officer shall remove a detention tag from a live-poultry crate;

(*c*) no person shall place any live poultry in or about the crates until they have been cleaned and disinfected as provided in this section; and

(*d*) unless authorized by an enforcement officer no crate shall be removed from the lot except for the purpose of cleaning and disinfecting it as provided in this section or for the purpose of conveying it to the place designated on the detention tag.

(9) When the enforcement officer is satisfied that the provisions of this section with respect to any poultry crate have been complied with, he may issue to the owner or person in possession of the poultry crates a notice of release in such form as the Veterinary Director General may prescribe and the enforcement officer may then remove the detention tag from the crate.

PART XIV

General

Feeding of Swine

215. Unless special permission in writing is first obtained from the Veterinary Director General, no person shall feed to swine or permit swine to have access to or to be fed on his own premises, or on the premises of any other person, corporation or municipality, any garbage, raw or cooked,

Animal Contagious Diseases Act—*continued*

composed of any of the following, namely, meat scraps, offal, kitchen waste, fruit or vegetable refuse, or other matter edible by swine, and which has been obtained elsewhere than on the premises where fed, or from any hotel or restaurant.

Removal of Swine from Stockyards

216. (1) No swine shall be removed from the public stockyards of the cities of Calgary, Edmonton, St. Boniface, Moose Jaw, Toronto, or Montreal, except for immediate slaughter, or for export to the United States, unless a permit for their removal has first been obtained from the inspector in charge of the yard.

(2) Applicants for permits shall state the destination of the swine they desire to remove and the purpose for which they are intended.

(3) Whenever an inspector considers it necessary for the control of hog cholera, he may refuse to issue a permit under this section unless the swine for which the permit is requested have first been treated by the administration of hog cholera serum by a veterinary inspector.

Garbage

217. (1) No person shall remove garbage from any aircraft entering Canada from any other country unless it is first placed in closed containers.

(2) All garbage removed from aircraft entering Canada from any other country shall be destroyed immediately upon such removal by burning on the airport premises and the containers shall, immediately after being emptied, be burned or subjected to heat at a temperature of not less than one hundred degrees Centigrade, for not less than fifteen minutes.

(3) Where a person violates this section the captain and the owner are each liable for the penalties imposed for such contravention.

Prohibitions

218. No person shall deface, conceal or take out wholly or in part, any permanent mark that under the direction of the Veterinary Director General or pursuant to these regulations has been applied to an animal.

219. Except under the authority of the Veterinary Director General no person shall remove any identification ear tags or other marks of identification affixed to an animal pursuant to these regulations.

220. No person shall fix to an animal an identification tag or other means of identification that was pursuant to these regulations affixed to another animal.

221. No person except an inspector acting under the special authority of the Veterinary Director General, shall import, manufacture, sell or use hog cholera serum or virus.

222. No person shall represent that any certificate, licence or permit issued pursuant to these regulations relates to an animal other than the animal in respect of which it was issued.

223. No person shall represent that a blood sample taken from one animal was taken from another animal.

224. No person shall make any false statement or false representation in any application for a certificate, licence or permit or for a test pursuant to these regulations.

Animal Contagious Diseases Act—*concluded*

225. (1) No person shall make, use, display or have in possession any certificate, licence, permit or other document so closely resembling a certificate, licence, permit or other document issued or prescribed pursuant to these regulations that it is likely to be mistaken therefor.

(2) No person shall without the authority of an inspector alter any certificate, licence, permit or other document issued pursuant to these regulations.

Costs and Expenses

226. Whenever by or pursuant to these regulations anything may be done at the cost or expense of any person or any costs, charges or expenses are imposed on any person, such costs, charges or expenses may be recovered as a debt due to the Crown.

Evidence

227. In any proceedings under the Act or these regulations *prima facie* evidence of any certificate, licence, permit, order, direction, requirement, document, tag or other thing issued, made, given or prescribed pursuant to these regulations may be given by the production of a copy thereof purporting to have been issued, made, given or prescribed pursuant to these regulations.

ANNUITIES

See GOVERNMENT ANNUITIES ACT; CIVIL SERVANTS WIDOWS ANNUITIES ACT, 1927.

ARMY BENEVOLENT FUND ACT, 1947. (1947, c. 49)

Army Benevolent Fund Board Regulations

Made by the Board under Section 12 of the Army Benevolent Fund Act, 1947 on September 10, 1949.

1. In these regulations, unless the context otherwise requires—

(*a*) "Act" means The Army Benevolent Fund Act, 1947;

(*b*) "Board" means the Army Benevolent Fund Board constituted under Section 4 of the Act;

(*c*) "Chairman" means the member of the Board designated by the Governor in Council as chairman thereof;

(*d*) "Committee" means a committee established under Section 5 of the Act;

(*e*) "subcommittee" means a subcommittee established under Section 6 of the Act;

(*f*) "general business" means the business of the Board, Committee or subcommittee in regard to organization, administration and other matters of operation exclusive of the investigation and disposition of applications for assistance.

2. The Annual Meeting of the Board shall be held in January of each year or as soon thereafter as is practicable. Other meetings of the Board may be held as frequently as the business of the Board requires. Such meetings shall be held in Ottawa or such other place as may be determined from time to time by the Board.

Army Benevolent Fund Act—*continued*

3. Such meetings shall be called by the Chairman or at the request in writing of any three members of the Board.

4. The Secretary of the Board shall maintain a minute book of all meetings of the Board and such minutes shall record the members present, the decisions reached thereat and a record respecting such other matters as the Board at any such meeting may direct to be recorded in such minutes, and shall furnish each member of the Board with a copy of such minutes. A record of the decisions regarding applications for assistance which are approved or rejected without holding of an official meeting must be incorporated into the minutes of the next general business meeting of the Board.

5. The Chairman may exercise the power of the Board for the purpose of conducting the general business of the Fund when the Board is not in session, and the Chairman shall be required to present a report for approval of members at each meeting of the Board with respect to the activities of the Fund since the last preceding meeting.

6. The Board shall, at each meeting thereof, ratify or amend the actions of the Chairman with respect to the activities carried on since the last preceding meeting; and shall, where possible, establish such policy as may be necessary to provide for the operation of the Fund until the next meeting of the Board.

7. Any three members of the Board may exercise the power of the Board for the purpose of concurring in, or rejecting applications for assistance which are in excess of $300 and which have been referred to the Board for concurrence in accordance with the Army Benevolent Fund Act, Section 10, sub-section (2). The signatures of three members of the Board will be necessary to indicate concurrence in, or rejection of an award made by a Provincial Committee which is in excess of $300.

8. The Chairman and Secretary of the Board, or any two members of the Board, shall act as signing officers for banking purposes including the authorization for issue of cheques.

9. Subject to the provisions of these regulations, the powers, duties and functions of all officers and employees of the Board shall, having regard to the terms of their appointment, be such as are from time to time assigned to them by the Chairman, who shall in respect of any such assignment, report to the next ensuing meeting of the Board. The Board may at such meeting ratify or amend any such assignment.

10. Any powers, duties or functions assigned to an officer or employee may be exercised by any person appointed by the Chairman to act in the place of any officer or employee during the absence of any of the latter or to act in any position pending a permanent appointment thereto.

Committees and Subcommittees

11. Meetings of the Committee or subcommittee may be held as frequently as the business of such Committee or subcommittee requires, and in any event must be held at intervals of not more than six weeks. Such meetings shall be called by the Chairman of the Committee or subcommittee or at the request of the Board. A quorum for such meetings shall be two members. The minutes of each general business meeting of a Committee

Army Benevolent Fund Act—*continued*

or subcommittee must be signed by the Chairman and the Secretary thereof, and in addition the other two members of each Committee or subcommittee must sign a separate minute indicating their approval or otherwise with regard to the business of the Committee as reported in the Committee minutes.

12. Each Committee and subcommittee shall maintain a minute book containing the minutes of each general business meeting; and such minutes shall record the members present, the decisions reached thereat and a record respecting such other matters as the Committee and subcommittee at any such meeting may direct to be recorded in such minutes. A record of the decisions regarding applications for assistance which are approved or rejected without holding of an official meeting must be incorporated into the minutes of the next general business meeting of such Committee or subcommittee.

13. Each Committee and subcommittee shall maintain a file of applications received by such Committee and subcommittee; and shall maintain such other records as may be required of it by the Board. All minute books, files and other records shall be available at all times for inspection of the Board or its officials and for audit purposes.

14. The Chairman of each Committee and subcommittee may exercise the power of the Committee or subcommittee for the purpose of conducting the general business of the Fund when the Committee or subcommittee is not in session, and the Chairman shall be required to report for approval of members at each meeting of the Committee or subcommittee with respect to the activities of the Fund since the last preceding meeting.

15. The Committee or subcommittee shall, at each meeting thereof, ratify or amend the actions of the Chairman with respect to the activities carried on since the last preceding meeting; and shall, where possible, establish such policy as may be necessary to provide for the operation of the Fund until the next meeting of the Committee or subcommittee.

16. Any two members of a Committee or subcommittee may exercise the power of Committee or subcommittee for the purpose of approving or rejecting applications for assistance. Where a Committee approves unanimously and a minute of the Board has granted such authority, the Chairman and Secretary of a Committee also may exercise the power of the Committee for the purpose of approving or rejecting applications for assistance. The signature of two members of the Committee or subcommittee concerned, or the signature of the Chairman and Secretary of a Committee where such authority has been granted, will be necessary to indicate disposition of application.

17. Moneys held by a Committee established under Section 5 of the Act shall be deposited in a bank approved by the Board.

18. The Chairman of a Committee shall designate the name of the persons who, subject to the approval of the Chairman of the Board, shall act as signing officers for the Committee for banking purposes including the authorization for issue of cheques.

19. The Chairman of a Committee shall be responsible to the Board for the proper conduct of business by such Committee in accordance with the regulations and instructions of the Board and in carrying out the duties

Army Benevolent Fund Act—*concluded*

imposed upon the Committee by the Board under the provisions of the Act. The Chairman of a subcommittee shall be similarly responsible to the Chairman of the Committee under which such subcommittee functions.

20. A Committee or subcommittee may be disestablished by the Board, and if a replacement is to be made the new Committee or subcommittee shall be appointed in the manner as provided for in the Act.

21. A Committee or subcommittee shall not employ any person on a remunerative basis except with the express authority of the Board.

H. C. CHADDERTON,
Secretary.

J. C. MURCHIE,
Chairman.

ASSISTANCE FUND (W.V.A.) REGULATIONS

See VETERANS (Assistance Fund (W.V.A.)).

ATOMIC ENERGY CONTROL ACT, 1946. (1946, c. 37)

1. Atomic Energy Regulations of Canada.
2. Order respecting prospecting, exploration and mining.

1. Atomic Energy Regulations of Canada

P.C. 5513

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, pursuant to the provisions of The Atomic Energy Control Act, 1946, is pleased, hereby, to approve the revocation of the regulations of the Atomic Energy Control Board approved by Order in Council P.C. 1098 of 1st April, 1947, as amended, and to approve, in substitution therefor, the annexed regulations of the Atomic Energy Control Board.

N. A. ROBERTSON,
Clerk of the Privy Council.

Atomic Energy Control Act—*continued*

REGULATIONS OF THE ATOMIC ENERGY CONTROL BOARD MADE UNDER THE ATOMIC ENERGY CONTROL ACT, 1946

PART I

Interpretation and General

100. *Title*

These regulations may be cited as the Atomic Energy Regulations of Canada.

101. *Interpretation*

(1) In these regulations, unless the context otherwise requires:

(*a*) "Act" means The Atomic Energy Control Act, 1946;

(*b*) "atomic energy" means all energy of whatever type derived from or created by the transmutation of atoms;

(*c*) "Board" means the Atomic Energy Control Board established by the Act;

(*d*) "deal in" includes produce, import, export, possess, buy, sell, lease, hire, exchange, acquire, store, supply, operate, ship, manufacture, consume and use;

(*e*) "fissionable substance" means any prescribed substance that is, or from which can be obtained, a substance capable of releasing substantial amounts of energy by nuclear chain reaction;

(*f*) "member" means a member of the Board;

(*g*) "order" means any general or specific order, licence, permit, direction or instruction made, given or issued by or under the authority of the Board;

(*h*) "person" includes firm, corporation, company, partnership, association or any other body and the heirs, executors, administrators, receivers, liquidators, curators and other legal representatives of such person according to the laws of that part of Canada applicable to the circumstances of the case, and includes any number of persons acting in concert or for a common purpose;

(*i*) "prescribed equipment" means any property, real or personal, other than prescribed substances, that in the opinion of the Board may be used for the production, use or application of atomic energy;

(*j*) "prescribed substances" means uranium, thorium, plutonium, neptunium, deuterium, other elements of atomic number greater than 92 and radio-active isotopes of other elements and any substances containing any of the said elements or isotopes;

(*k*) "President" means the President of the Board;

(*l*) "produce" includes develop, drill for, mine, dredge, dig, sluice, mill, extract, concentrate, smelt, refine, purify, separate, enrich and process;

(*m*) words of one gender include all other genders.

(2) Elements of atomic number greater than 92, radio-active isotopes of other elements and substances containing any of the elements or isotopes mentioned in paragraph (*j*) of subsection one of this section are designated as being capable of releasing atomic energy.

(3) The Interpretation Act is applicable to and in respect of every order.

(4) The grammatical variations and cognate expressions of a word defined in these regulations shall have meanings corresponding to the meaning of the word so defined.

Atomic Energy Control Act—*continued*

PART II

Dealing in Prescribed Substances and Prescribed Equipment

200. *Prescribed Substances and Prescribed Equipment Generally*

(1) No person shall deal in any prescribed substance or prescribed equipment except under and in accordance with the provisions of these regulations or of an order.

(2) Where any person controls or directs any dealings by any other person in prescribed substances or prescribed equipment, whether such control is exercised through share ownership, trusteeship, agreement, duress or otherwise howsoever, all dealings in prescribed substances or prescribed equipment by such other person may be treated, for the purpose of these regulations or of any order, as dealings by the person who controls or directs such dealings.

(3) Any order may

(*a*) impose conditions as to furnishing information, preventing disclosure of information, control of, disposition of, price of, inspection of, access to or protection of any prescribed substance or prescribed equipment, or otherwise in relation to any prescribed substance or prescribed equipment;

(*b*) regulate, fix, determine or establish the kind, type, grade, quality, standard, strength, concentration, or quantity of any prescribed substance or prescribed equipment that may be dealt in under the order or that may be dealt in by any person either generally or for any specified use and either generally or within a specified period of time.

201. *Continued Possession*

No order shall be necessary to authorize the continued possession by any person of any prescribed substance (whether or not in such quantity or concentration that an order would be required to authorize other dealings therein) or prescribed equipment acquired prior to the date of the coming into force of these regulations, if full information as to the nature, kind, location, ownership, possession and use or intended use of such prescribed substance (if in such quantity or concentration that an order would be required to authorize other dealings therein) or prescribed equipment is furnished to the Board within 60 days after the said date.

202. *Uranium*

(1) No order shall be necessary to authorize dealings within Canada by any person as regards uranium

(*a*) contained in any substance that contains less than 0·05 per cent by weight of the element uranium; or

(*b*) contained in any substance and which dealings do not involve during any calendar year a total of more than 10 kilograms of contained uranium element.

(2) Nothing in this section shall authorize any dealings in any substance that contains any of the uranium isotope U-233 or that contains uranium having any greater percentage of the isotope U-235 than is normally found in nature.

203. *Thorium*

No order shall be necessary to authorize dealings within Canada by any person as regards thorium

Atomic Energy Control Act—*continued*

(*a*) contained in any substance that contains less than 0·05 per cent by weight of the element thorium; or

(*b*) contained in any substance and which dealings do not involve during any calendar year a total of more than 10 kilograms of contained thorium element.

204. *Radio-active Isotopes*

(1) No order shall be necessary to authorize dealings within Canada by any person as regards radio-active isotopes of elements of atomic number less than 90 contained in any substance if such dealings do not involve buying, selling, leasing or hiring.

(2) No order shall be necessary to authorize dealings by any person as regards radio-active elements of atomic number less than 80 contained in any substance that does not contain any greater percentage of any radio-active isotope of any such element than is normally found in nature.

205. *Deuterium*

No order shall be necessary to authorize dealings by any person as regards deuterium

(*a*) contained in any substance that does not contain hydrogen having any greater percentage of deuterium than is normally found in nature; or

(*b*) contained in any substance and which dealings do not involve during any calendar year a total of more than 1 kilogram of contained deuterium.

206. *Prescribed Equipment*

No order shall be necessary to authorize dealings within Canada by any person as regards prescribed equipment except to such extent and as to such prescribed equipment as may from time to time be specified by order.

PART III

Information, Inspection, Etc.

300. *Records*

Every person dealing in any prescribed substance (otherwise than as may under Part II of these regulations be done without an order) or in any prescribed equipment shall

(*a*) keep fully and accurately such books, accounts and records as are necessary adequately to record all dealings by such person in or with any prescribed substance or prescribed equipment including such books, accounts and records as may from time to time be required by order;

(*b*) furnish to the Board in such form and within such time as may from time to time be required by order such information as the Board may deem necessary in relation to the dealings of such person in any prescribed substance or prescribed equipment;

(*c*) produce to any person authorized in writing for the purpose by the Board all or any books, records and documents in the possession or control of such person; and

(*d*) permit the person so authorized to make copies of or take extracts from the same and, if so authorized by the Board, to remove and retain any such books, records and documents.

Atomic Energy Control Act—*continued*

301. *Prospecting*

Every person not operating under an order who finds *in situ* any mineral deposit that he believes or has reason to believe contains more than 0·05 per cent by weight of the element uranium, or more than 0·05 per cent by weight of the element thorium, shall forthwith notify the Board of the place of origin and character of such mineral, together with all other information in the possession of such person indicative of the character, composition and probable extent of deposits containing uranium or thorium at or near the place of origin of such mineral.

302. *Assaying and Analysis*

(1) Every person who otherwise than

(*a*) on behalf of a person operating under an order and as incident to a dealing permitted by such order; or

(*b*) as incident to a dealing authorized under Part II of these regulations to be done without an order

performs any assay or analysis of any material that indicates that such material contains more than 0·05 per cent by weight of the element uranium or more than 0·05 per cent by weight of the element thorium shall forthwith report to the Board full particulars relating thereto including the name of the person from whom such material was received, the purpose of the assay or analysis, the origin of the material so far as known to the person making the report and the results of the assay or analysis, and shall not disclose, except to the Board, the result of such assay or analysis until otherwise directed or permitted by order.

(2) Every person who, otherwise than on behalf of a person operating under an order and as incident to a dealing permitted by such order, performs any assay or analysis of any material that indicates that such material contains any plutonium, neptunium or other element of atomic number greater than 92 or any uranium containing any of the isotope U-233 or any greater proportion of the isotope U-235 than is normally present in nature shall retain such material and shall not disclose, except to the Board, the result of such assay or analysis until otherwise directed or permitted by order.

303. *Import and Export*

No person shall import into Canada or export from Canada any prescribed equipment for the time being specified by order for the purposes of this section or any prescribed substance without first producing to the Collector of Customs and Excise at the proposed port of entry or exit an import or export permit from the Board, and no Collector of Customs and Excise shall permit any such prescribed equipment or any prescribed substance

(*a*) to be released for delivery to an importer in Canada; or

(*b*) to be exported from Canada,

unless the appropriate permit from the Board is produced to him.

304. *Assistance by other authorities*

Where a person by virtue of any statute or order or regulation thereunder has power to obtain information relating to prescribed substances or prescribed equipment

(*a*) such person shall if so requested by the Board exercise that power for the purpose of assisting the Board to obtain such information; and

Atomic Energy Control Act—*continued*

(*b*) any such information possessed or obtained by such person whether upon a request of the Board or otherwise shall, upon the request of the Board, be communicated to the Board.

305. *Inspection*

Every person dealing in or who proposes to deal in any prescribed substance or prescribed equipment shall permit the Board or any person thereunto authorized by the Board

(*a*) to enter any land, premises or place where such dealing is or is proposed to be carried on; and

(*b*) to inspect and control such prescribed substance, prescribed equipment or dealing in such prescribed substance or prescribed equipment to such extent as may in the opinion of the Board be necessary to ensure compliance with the terms of these regulations and of any order relating thereto.

306. *Disclosure of Information by Board*

No information with respect to an individual business that has been obtained by the Board under or by virtue of these regulations or of an order shall be disclosed without the consent of the person carrying on such business, except

(*a*) to a department of the Government of Canada or of a province or to a person authorized by such department requiring such information for the purpose of the discharge of the functions of that department; or

(*b*) for the purposes of any prosecution for an offence under the Act or these regulations.

PART IV

Security

400. *Disclosure of Information*

(1) Subject to subsection two of this section, so person shall, except as permitted by an order, communicate to any other person orally or by any document, drawing, photograph, plan, model or otherwise howsoever any information whatsoever that, to his knowledge, discloses, describes, represents or illustrates:

(*a*) the kind, location or quantity of any fissionable substance or deuterium not authorized under Part II of these regulations to be dealt in without an order; provided that this paragraph (*a*) shall not be applicable in relation to any fissionable substance in quantities of less than 1 gram;

(*b*) methods of, rates of or capacity for producing any fissionable substance or deuterium;

(*c*) specifications for substances, equipment or processes specially used, designed or adapted for the operation of atomic piles or reactors, isotope separation plants or plants for the extraction of fissionable substances;

(*d*) quantities of substances resulting from the operation of atomic piles or reactors, isotope separation plants or plants for the extraction of fissionable substances;

Atomic Energy Control Act—*continued*

(*e*) theory, design or operating procedure of atomic piles or reactors, isotope separation plants or plants for the extraction of fissionable substances;

(*f*) physical properties of the nuclei of fissionable substances; or

(*g*) military applications of atomic energy.

(2) Subsection one of this section does not apply to the communication of information that has previously been published in scientific or technical literature, official press releases, or approved publications such as the Smyth report.

401. *Protected places*

(1) The Board may by order designate as a protected place any premises in relation to which by reason of any research or investigation with respect to atomic energy, or any utilization or preparation for utilization of atomic energy, or any dealing in any prescribed substance carried on or proposed to be carried on therein, special precautions are in the opinion of the Board necessary for the protection of persons or property or to prevent the disclosure against the public interest of information with respect to atomic energy.

(2) Any premises in relation to which an order made under this subsection is in force are hereafter in these regulations referred to as a "protected place" and the order designating such premises as a protected place is hereafter in these regulations referred to as the "designating order".

(3) No person shall be in a protected place except as permitted by or pursuant to the designating order.

(4) Every person who is granted permission to be in a protected place shall, while acting under such permission, comply with such directions as may be given by or pursuant to the designating order; and if authorized in that behalf by the Board or the occupier of the premises, any person acting on behalf of His Majesty, any officer or constable of the Royal Canadian Mounted Police or any person employed for the preservation and maintenance of the public peace may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him but no woman shall be searched except by a woman.

(5) If authorized in that behalf by the Board or the occupier of the premises, any person acting on behalf of His Majesty, any officer or constable of the Royal Canadian Mounted Police or any person employed for the preservation and maintenance of the public peace may remove from a protected place any person who is in that protected place in contravention of this section, or who, while in that protected place, fails to comply with any direction given by or pursuant to the designating order, but such removal shall be without prejudice to any other proceedings that may be taken.

402. *Precautions Generally*

Every person dealing in any prescribed substance or prescribed equipment shall in relation thereto take all reasonable and proper precautions for the protection of persons and property against injury or damage and for the prevention of communication of information in breach of these regulations or of an order.

Atomic Energy Control Act—*continued*

PART V

Patent Rights

500. *Inventions and Designs*

Where, either before or after the coming into force of these regulations, an application has been made to the Commissioner of Patents for the grant of a patent, or the registration of a design, which, in the opinion of the Commissioner of Patents, relates to the production, application or use of atomic energy, or to any prescribed substance or prescribed equipment, and the application is communicated by the Commissioner to the Board, the Commissioner, if satisfied on the advice of the Board that it is expedient in the public interest so to do, may omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons. The advice of the Board in relation to any application of which the Board is informed by the Commissioner of Patents hereunder shall be given within six months after such information has been received, and all proceedings in the Patent Office in respect of such application shall be stayed until such advice is given.

501. *Compensation*

If, on the advice of the Board, the Commissioner of Patents omits or delays the doing of anything which he would otherwise be required to do in relation to the application, and if the Commissioner of Patents informs the Board that there is no other application in the Patent Office with which the first-mentioned application would be involved in conflict proceedings and that the first-mentioned application contains patentable subject matter, the Board may, with the approval of the Governor in Council, pay to the applicant under the first-mentioned application, such compensation in respect of expense incurred or work done in connection with the discovery or development of the invention concerned, as may be agreed upon between the applicant and the Board or if not so agreed upon, as may be determined by the Exchequer Court.

502. *Applications for Foreign Patents*

No person shall, except under the authority of a written permit granted by or on behalf of the Commissioner of Patents, make any application for the grant of a patent, or the registration of a design, which relates to the production, application or use of atomic energy or to any prescribed substance or prescribed equipment, in any foreign country.

503. *Non-prejudice by Communication or Use under Regulations*

The right of any person to apply for or obtain a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to the Board under these regulations or used by any person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used.

Atomic Energy Control Act—*continued*

PART VI

Requisition and Expropriation

600. *Expropriation*

The Board may with the approval of the Governor in Council enter on and acquire by expropriation any mines, deposits or claims of prescribed substances and any works or property (not being chattel property) for production or preparation for production of, or for research or investigation with respect to, atomic energy in the same manner that the minister (as defined in the Expropriation Act) may enter on and acquire by expropriation land (as defined in the Expropriation Act); and all the provisions of the Expropriation Act shall apply in relation to such entry and acquisition by the Board as if the words "department" and "minister" were defined in the said Act as including the Board and the words "public work" or "public works" were defined in the said act as including the mines, deposits, claims, works and property hereinbefore in this section mentioned; provided, however, that where compensation to be made in respect of any such entry or acquisition has not been agreed on, the claim for compensation shall be referred by the Minister of Justice to the Exchequer Court.

601. *Requisition*

(1) The Board may with the approval of the Governor in Council requisition the title to, or any interest in, any prescribed substance and any patent rights relating to atomic energy and any works or property (other than real or immovable property) for production or preparation for production of, or for research or investigation with respect to, atomic energy, by serving the owner or the person in possession thereof, with notice of the Board's intention to requisition the title to or any specified interest in such prescribed substance, patent rights, works or property, or if no Canadian address of the owner or person in possession thereof is known to the Board, by taking possession of, or posting a notice of the Board's intention to requisition on, such prescribed substance, works or property, or in the case of patent rights by filing with the Commissioner of Patents a notice of the Board's intention to requisition such patent rights.

(2) The Board may use or deal with, or authorize the use or dealing with, or hold, sell or otherwise dispose of, any property requisitioned under subsection 1 of this section as if it were the owner thereof, or of the interest therein specified in the notice.

(3) The compensation to be made for any property or interest therein, if not agreed upon, shall be referred by the Minister of Justice to the Exchequer Court and shall be paid to such person and upon such terms as the Exchequer Court shall direct, and upon such payment being made, His Majesty and the Board and all persons acting under authority of the Board shall be discharged from all liability in respect of such requisition.

PART VII

Research and Investigation

700. *Provision of Prescribed substances*

The Board shall so far as practicable having regard to the public interest and to the amounts of prescribed substances available to the Board, make available upon such terms as the Board may think fit for

Atomic Energy Control Act—*continued*

research and investigations and for training of persons to qualify them to engage in research and investigations, such quantities and kinds of prescribed substances as may be desired for such purposes.

701. *Conditions to be met by applicants*

Prescribed substances may be made available under the provisions of section 700 of this Part to and upon the responsibility of

(*a*) recognized universities;

(*b*) hospitals or research or scientific institutions supported wholly or in part out of the public funds of Canada or of a province; or

(*c*) other persons specially qualified to carry out research or investigations or training therefor;

upon the Board being informed of and approving

(*d*) the purpose for which any prescribed substances are to be used;

(*e*) the equipment and other facilities available to the applicant;

(*f*) the names and qualifications of the individuals who will be responsible, under the applicant, for the use of any prescribed substances and compliance with the terms of any order; and

(*g*) the precautions to be taken to protect persons and property from injury or damage, to prevent disclosure of information against the public interest and to ensure that no prescribed substances made available by the Board or produced in the course of research or investigations shall be dealt in otherwise than in accordance with an order;

and upon and subject to compliance with the terms of an order.

PART VIII

Administration and Enforcement

800. *Exercise of Powers*

(1) Any order authorized by these regulations may be made by the Board, by any such officer or member of the Board or other person as the Board may designate.

(2) Every order made under these regulations shall be final and binding unless and until it has been reviewed and varied or vacated by the Board.

801. *General or Selective Exercise of Powers*

The Board may act and any order may be made either generally with respect to the whole subject matter in relation to which such act or order is done or made or partially or selectively with respect only to a portion or portions of such subject matter and without restricting the generality of the foregoing the Board may act and any order may be made in respect of or in relation to:

(*a*) any person or thing in the plural or aggregate or in a group or groups as well as in the singular as the Board may specify;

(*b*) any particular number or numbers of persons or number or numbers or part or parts of any thing or things as well as all of such persons, thing or things, as the Board may specify;

Atomic Energy Control Act—*continued*

(*c*) any person or thing either generally or in any particular province, place, area, zone or locality, designated by the Board;

(*d*) a person of any particular trade, industry, occupation, profession, group, class, organization or society, or a thing of any particular type, kind, grade, classification, quality or species as the Board may specify; or

(*e*) an indefinite, undetermined or unspecified time or such period or periods of time as the Board may specify.

802. *Service and Publication of Orders*

(1) Any order may be served on any person by sending a copy of such order by registered post to the last known residence or place of business of such person or if such person is a corporation by so sending it to the head office or to any branch or place of business of such corporation in Canada.

(2) The Board may cause any order made under these regulations to be published in the *Canada Gazette* and every person shall be deemed to have had notice of such order as from the date of publication of the issue of the *Canada Gazette* in which it appears.

803. *Breach of Contract Pursuant to Order*

Where any person fails to fulfill any contract or obligation whether made or assumed before or after the effective date of these regulations and such failure is due to compliance on the part of such person with any order made after such contract or obligation is made or assumed, proof of that fact shall be a good defence to any action or proceeding against such person in respect of such failure.

804. *Evidence*

In any proceedings in any court any document purporting to be certified by the President, vice-president, secretary or assistant secretary of the Board to be a true copy of an order shall be *prima facie* evidence that such order was made and issued under these regulations and shall be receivable in evidence without proof of the signature or official character of the person appearing to have signed the same.

2. Order respecting prospecting, exploration and mining

ATOMIC ENERGY CONTROL BOARD

Order No. 1/301/48
1/302/48
2/400/48

Dated 5th April, 1948.

Order made under the Atomic Energy Regulations of Canada respecting prospecting, exploration and mining

1. (*a*) Authority is hereby given for any person who performs any assay or analysis of any mineral that indicates that such mineral contains more than 0·05 per cent by weight of the element uranium or more than 0·05 per cent by weight of the element thorium, to disclose to the person from whom such mineral was received, the result of such assay or analysis provided that the person who performs such assay or analysis shall forthwith report to the Chief,

Atomic Energy Control Act—*concluded*

Geological Survey, Department of Mines and Resources, Ottawa, the name and address of the person from whom such mineral was received, the purpose of the assay or analysis, the origin of the mineral so far as known to the person making the report and the results of the assay or analysis.

(*b*) Subject to the provisions of any specific order, permission is hereby given to any person who receives the result of any assay or analysis of any mineral that indicates that such mineral contains more than 0·05 per cent by weight of the element uranium or more than 0·05 per cent by weight of the element thorium, to communicate to any person the information so received and information as to the location and probable extent of deposits containing uranium or thorium at or near the place of origin of such mineral, provided that the person who receives the result of such assay or analysis shall forthwith inform the Chief, Geological Survey, Department of Mines and Resources, Ottawa, of the place of origin and character of such mineral together with all other information in the possession of such person, indicative of the character, composition and probable extent of deposits containing uranium or thorium at or near the place of origin of such mineral.

(*c*) Permission is hereby granted for the removal from their places of deposit in nature of samples of minerals, containing more than 0·05 per cent by weight of the element uranium or more than 0·05 per cent by weight of the element thorium, for the purpose of assay and analysis and of hand samples of such minerals for exhibition purposes; but nothing in this order shall authorize any use of any such sample for sale, export, manufacture, consumption or production, or any dealing in any such sample except as incident to assay, analysis or exhibition.

2. Nothing in this order shall apply in relation to any assay or analysis of or other dealing in any material that contains any uranium containing any of the isotope U_{233} or any greater proportion of the isotope U_{235} than is normally present in nature.

ATOMIC ENERGY CONTROL BOARD,

G. M. JARVIS,
Secretary.

AVIATION

See AERONAUTICS ACT.

BABCOCK TEST BOTTLES AND PIPETTES

See DOMINION TRADE AND INDUSTRY COMMISSION ACT.

BACON, GRADING AND EXPORT OF

See LIVE STOCK AND LIVE STOCK PRODUCTS ACT.

BAIT FREEZING AND STORAGE FACILITIES

See FISHERIES (Appropriation Act, No. 4, 1948).

BANKS

See also SAVINGS BANKS ACT.

BANK ACT. (1944-45, c. 30)

No statutory orders or regulations have been made under this statute.

BANK OF CANADA ACT. (1934, c. 43)

See also BRETTON WOODS AGREEMENTS ACT, 1945; FOREIGN EXCHANGE CONTROL ACT.

Order suspending the operation of subsection (1) of section 25 of the Act

P.C. 756

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of February, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS subsection 1 of section 25 of the Bank of Canada Act, chapter 43 of the Statutes of Canada 1934, provides that the Bank of Canada shall sell gold to any person who makes demand therefor at the head office of the Bank and tenders the purchase price in legal tender, but only in the form of bars containing approximately 400 ounces of fine gold;

AND WHEREAS by Order in Council P.C. 678, dated February 20, 1948, passed under the provisions of subsection 2 of said section 25 of the said Act, the operation of the said subsection 1 of section 25 was suspended for a period of one year from and after March 10, 1948;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the provisions of said subsection 2 of section 25 of the Bank of Canada Act, is pleased to order that the operation of said subsection 1 of section 25 be and it is hereby suspended for a further period of one year from and after the tenth day of March, 1949, unless sooner rescinded by Order in Council.

N. A. ROBERTSON,
Clerk of the Privy Council.

BANKRUPTCY ACT. (R.S.C., 1927, c. 11)

General Rules and Forms

P.C. 5407

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of November, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Justice and by virtue of the power conferred by section 161 of the Bankruptcy Act, Revised Statutes of Canada, 1927, Chapter 11, is pleased to order as follows:

1. The General Rules and Forms under the Bankruptcy Act, made and established by Order in Council P.C. 1398 of 30th June, 1920, as amended, are hereby revoked, effective October 1, 1948; and

2. The General Rules under the Bankruptcy Act attached hereto are hereby made and established, effective October 1, 1948, in substitution for the General Rules and Forms hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

GENERAL RULES UNDER THE BANKRUPTCY ACT

Part I

PRELIMINARY

Short Title

1. These Rules may be cited as "the Bankruptcy Rules".

Interpretation of Terms

2. (1) In these Rules, unless the context or subject matter otherwise requires,—

"The Act" means "The Bankruptcy Act" and amendments thereto for the time being in force.

"Chief Justice" means, in the provinces other than Ontario, the Chief Justice of the Court, and, in the Province of Ontario, the Chief Justice of Ontario.

"The Court" means the Court as defined by The Bankruptcy Act and includes a Registrar when exercising the powers of the Court pursuant to the Act or these Rules.

Bankruptcy Act—*continued*

"Creditor" includes a corporation and a firm of creditors in partnership.

"Contributory" means a contributory as defined by section 73 (2) of the Act.

"Judge" means the Judge to whom bankruptcy business is for the time being assigned in any Court having jurisdiction under the Act, or any other Judge having authority under the Act or these Rules to act.

"Proceeding or proceedings" shall mean matters commenced by the filing of a petition or an authorized assignment or such other applications as may properly be brought before the Court under the Act or Rules.

"Proper Officer" means the officer appointed by the Chief Justice of the Court for the transaction or disposal of the particular matter in question.

"Province" includes Territory.

"Registrar" means a registrar, deputy registrar or local registrar having jurisdiction in bankruptcy.

"Seal" shall mean the seal ordinarily used in civil actions and matters before it by the Court having jurisdiction, and the words "sealed" or "and sealed" where used shall refer to such seal.

"Taxing Officer" means and includes the officer of the Court whose duty it is to tax costs in bankruptcy proceedings or in pursuance of an authorized assignment or a composition, extension or scheme of arrangement.

"Trustee" means a trustee or a licensed trustee as defined by The Bankruptcy Act, and the word "authorized" wherever it is used in these Rules to qualify the word "trustee" is struck out.

"Written," "writing" and any like expression shall include typewriting, printing or mimeographing, or partly one and partly another.

(2) The definitions contained in section 2 of the Act shall, where applicable and unless the context or subject matter otherwise requires, apply to and be part of these Rules.

Use of forms in Appendix

3. (1) The forms in the Appendix, where applicable, or forms to the like effect with such variations as circumstances may require, shall be used. Where such forms are applicable any costs occasioned by the use of any other or more prolix forms shall be borne by or disallowed to the party using the same, unless the Court shall otherwise direct.

(2) The provisions contained in the forms prescribed shall be deemed to be authorized by these Rules.

Part II

General Procedure

All matters heard in Chambers

4. All matters and applications may be heard and determined in Chambers unless the Court or a Judge shall in the particular matter or application otherwise direct.

Bankruptcy Act—*continued*

Jurisdiction of Registrars

5. A Registrar may without any general or special directions of the Judge hear and determine any matter or application referred to in section 159 (1) of the Act.

Trustee may appear in person

5A. An interim receiver, custodian or trustee shall be entitled to appear in person before a Registrar on any application or proceeding.

Adjournment from Registrar to Judge

6. Any matter or application pending before a Registrar, which under the Act, or the Bankruptcy Rules for the time being in force, a Registrar has jurisdiction to determine, shall be adjourned to be heard before the Judge, if the Judge shall, either specially or by any general direction applicable to the particular case, so direct.

PROCEEDINGS

Proceedings how intituled—Forms I, IA and IB

7. (1) Every proceeding in Court under the Act shall be dated, and shall be intituled in the name of the Court in which it is taken "In Bankruptcy," and then in the matter to which it relates. Numbers and dates may be denoted by figures.

(2) All proceedings commenced by the filing of a petition or after the filing and acceptance of an authorized assignment shall be intituled "In the matter of the bankruptcy of....., debtor."

Proceedings to be filed with Registrar

(3) Unless otherwise provided, or unless it is otherwise directed by the Chief Justice, all proceedings and documents required, under the Act or these Rules, to be filed in Court or with the proper officer shall be filed with the Registrar.

Written proceedings

8. All proceedings in Court shall be written on sheets of paper of the size ordinarily used in civil actions or matters before it by the Court; but no objection shall be allowed to any proof, affidavit or other proceeding on account of its being written or printed on paper of other size.

Records of Court

9. All proceedings of the Court shall remain of record in the Court, but they may at all reasonable times be inspected by any person.

Process to be Sealed

10. All petitions, and warrants and subpoenas issued by the Court, shall be sealed.

Transfer of proceedings—Form 15

11. (1) The Judge may at any time, for good cause shown, order the proceedings in any matter under the Act to be transferred to the Court in another bankruptcy district or division.

Bankruptcy Act—*continued*

Transmission of records

(2) Where the proceedings in any matter are transferred to the Court in another bankruptcy district or division the proper officer of the first Court shall send by post the records of proceedings transferred to the Registrar of the Court in the bankruptcy district or division to which the transfer is made and shall include with such records a copy of the order of transfer.

Proceedings commenced in wrong Court

12. When any bankruptcy proceeding has been commenced in a bankruptcy district or division in which it should not have been commenced, the Judge of the Court of such bankruptcy district or division may order that the proceeding shall be transferred to the Court in the bankruptcy district or division in which the same should have been commenced, or that it be continued in the Court in which it was commenced; but, unless and until a transfer is made under these Rules, the proceeding shall continue in the Court in which it was commenced.

Leave to proceed under Winding-up Act

13. Where any proceedings in bankruptcy have been commenced against a corporation or where a corporation has made an authorized assignment, the Court may, on the application of the trustee or any creditor or shareholder, and on proof that it is to the interest of the creditors that the order be made, grant leave to extend or apply to such corporation the Winding-up Act subject to such disposition of the costs thereof to be made in the winding-up proceedings as the justice of the case may require.

Removal of Caveat—Form 19B.

13A. Where a Caution has been registered pursuant to section 29A (1) the said Caution may be removed or cancelled by the proper Master (or Registrar) upon receiving a notice of withdrawal in the prescribed form duly executed by the trustee, or upon such notice and in such manner as any Caution or Caveat lodged against any land (or Charge) may be removed or cancelled under the provisions of the Land Titles Act under which such land (or Charge) is registered.

MOTIONS AND PRACTICE

Application to be made by motion

14. Every application (unless otherwise provided by these Rules, or the Court shall in any particular case otherwise direct) shall be made by motion.

Notice of motion and ex parte application

15. Where any party, other than the applicant, is affected by the motion, no order shall be made, unless upon the consent of such party duly shown to the Court, or upon proof to the satisfaction of the Court that notice of the intended motion has been duly served upon such party; provided that the Court, if satisfied that the delay caused by serving notice would or might entail serious mischief, may make any order *ex parte* upon such terms as to costs and otherwise, and subject to such undertaking, if any, as the Court may think just; and any party affected by such order may move to set it aside.

Bankruptcy Act—*continued*

Length of notice

16. Unless the Court gives leave to the contrary, notice of motion shall be served on any party to be affected thereby not less than four days before the day named in the notice for hearing the motion. An application for leave to serve short notice of motion may be made *ex parte*.

Personal service

17. In cases in which personal service of any notice of motion, order or other proceeding is required the same may be effected by delivering to each party to be served a copy of the notice of motion, order or other proceeding, as the case may be.

Filing affidavits

18. Every affidavit to be used in supporting or opposing any motion or application shall be filed with the proper officer not later than the day before the day of the hearing.

Notice of motion to be filed

19. A party intending to move shall, not later than the day before the day of the hearing, file with the proper officer a copy of his notice of motion.

SETTLEMENT OF ORDER

Settlement and signing of orders

20. All orders made by a Judge in Chambers shall be settled and signed by him or by the Registrar or proper officer. All orders made by the Registrar shall be settled and signed by the Registrar. The person who has the carriage of any order which in the opinion of the Judge or Registrar requires to be settled shall obtain from the Judge or Registrar, as the case may be, an appointment to settle the order and give reasonable notice of the appointment to all persons who may be affected by the order, or to their solicitors.

SECURITY IN COURT

Security by bond—Form 10

21. (1) Except where otherwise provided any security required to be given shall be by bond of a guaranty company or corporation approved by the Court.

Justification of sureties—Form 11.

(2) Provided, however, that the Court may in its discretion permit the security to be given by bond with one or more surety or sureties to the Registrar of the Court or to the person proposed to be secured and in such case the Court may require the surety or sureties to make an affidavit of justification and may also require such notice to be given to the person proposed to be secured as the Court deems advisable or expedient.

Amount of bond

22. The bond shall be taken in a penal sum which shall be not less than the sum for which security is to be given and probable costs to be estimated by the Court, unless the opposite party consents to it being taken for a less sum.

Bankruptcy Act—*continued*

Deposit in lieu of bond

23. Where a person is required to give security he may, in lieu thereof, lodge in Court a sum equal to the sum in question in respect of which security is to be given and the probable costs to be estimated as aforesaid of the trial of the question, together with a memorandum to be approved of by the Registrar and to be signed by such person, his solicitor or agent, setting forth the conditions on which the money is deposited.

Notice of deposit

24. Where a person gives security by bond or makes a deposit of money in lieu of giving a bond, he shall forthwith before being entitled to proceed give notice in writing to the person to whom the security is to be given.

Payment of money into or out of Court

25. Except as in the Act or these Rules otherwise provided the rules for the time being in force in civil actions or matters before it of the Court relating to payment into or out of Court of moneys shall apply to moneys lodged in Court or to be paid out of Court under these Rules.

AFFIDAVITS

Form of affidavits

26. Every affidavit shall be drawn up in the first person, and shall state the description and true place of abode of its deponent, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively and as nearly as may be shall be confined to a distinct portion of the subject. No costs shall be allowed for any part of an affidavit containing unnecessary matters or which in the opinion of the taxing officer is unduly prolix.

Scandalous matter

27. The Court may order to be struck out from any affidavit any matter which is scandalous, and may order the costs of any application to strike out such matter to be paid as between solicitor and client.

Erasures

28. No affidavit having in the jurat or body thereof any interlineation, alteration or erasure shall, without leave of the Court, be read or made use of in any matter depending in Court unless the interlineation, alteration or erasure is authenticated by the initials of the officer or person taking the affidavit.

Blind or illiterate persons

29. Where an affidavit is sworn by any person who appears to the person taking the affidavit to be illiterate or blind, the person taking the affidavit shall certify in the jurat that the affidavit was read in his presence to the deponent, that the deponent seemed perfectly to understand it, and that the deponent made his signature or declared his inability to sign in the presence of such person. No such affidavit shall be used in evidence in the absence of this certificate, unless the Court is otherwise satisfied that the affidavit was read over to and appeared to be perfectly understood by the deponent.

Bankruptcy Act—*continued*

Formal defects

30. The Court may receive any affidavit sworn for the purpose of being used in any matter notwithstanding any defect by misdescription of parties or otherwise in the title or jurat, or any other irregularity in the form thereof, and may direct a memorandum to be made on the document that it has been so received.

Swearing of affidavits

31. No affidavit (other than a proof of debt) shall be sufficient if sworn before the solicitor acting for the party on whose behalf the affidavit is to be used, or before any agent, clerk or partner of such solicitor, or before the party himself.

Affidavit on behalf of corporation

32. Where by this Act or in these Rules it is provided that an affidavit or declaration be made by a debtor, trustee or any other person and such debtor, trustee or other person is a corporation, such affidavit or declaration may be made by the manager or by any officer or employee of the corporation who has knowledge of the facts deposed to providing that he states therein that he has such knowledge.

Proof of affidavit

33. The Court shall take judicial notice of the seal and/or signature of any person authorized by or under the Act or these Rules to take affidavits or to certify to such authority.

WITNESSES AND DEPOSITIONS

Attendance of witnesses—Forms 88 and 89

34. Any party to any proceeding in Court may by a writ of subpoena in the prescribed form, with or without a clause requiring the production of books, deeds, papers, documents and writings, require the attendance of a witness for the purpose of using his evidence upon any motion, petition or other proceeding before the Court or any Judge or Registrar. The name of one or more witnesses may be inserted in the subpoena.

Service of subpoena

35. A copy of the subpoena shall be served, personally, on the witness, within a reasonable time before the time of the return thereof, and service of the subpoena may, where required, be proved by affidavit.

Costs of witnesses

36. The costs of witnesses, whether they have been examined or not, may, in the discretion of the Court or taxing officer, be allowed; provided, however, that the Court may at any time limit the number of witnesses to be allowed on taxation of costs.

Depositions, etc.

37. The Court may, in any matter where it shall appear necessary for the purpose of justice, make an order for the examination upon oath before the Court or any officer, or other person, and at any place, of any witness or person, and may empower any party to any such matter to give such depositions in evidence therein on such terms (if any) as the Court may direct.

Bankruptcy Act—*continued*

Depositions may be taken in shorthand—Form 67

38. (1) Where the evidence of any person is taken on or for use on the hearing of any motion, application or issue or in pursuance of an order for examination, commission or letters of request or where the debtor or any other person is examined under sections 134 to 138 of the Act, or otherwise under the Act or these Rules, such evidence or examination may be taken in shorthand by a shorthand writer approved and duly sworn by the Judge, Registrar or person before whom the examination is taken. A shorthand writer who has been duly appointed to report trials at sittings of the Court need not be sworn.

Method of taking

(2) When taken in shorthand the evidence or examination may be taken down by question and answer; and unless otherwise ordered it shall not be necessary for the depositions to be read over to or signed by the person examined, unless the Judge or Registrar so directs when the examination is taken before a Judge or Registrar, or in other cases unless any of the parties so desire.

(3) A copy of the depositions so taken, certified by the Judge, Registrar or person before whom the same were taken as correct, shall for all purposes have the same effect as the original depositions in ordinary cases.

Form of commission

39. An order for examination, commission or letters of request to examine witnesses, and the writ, order, commission or request, shall follow the forms for the time being in use in the Court in civil actions or matters before it with such variations as circumstances may require.

Production of documents

40. The Court may, in any matter, at any stage of the proceedings, order the attendance of any person for the purpose of producing any writings or other documents named in the order which the Court may think fit to be produced.

Disobedience of order

41. Any person wilfully disobeying any subpoena or order requiring his attendance for the purpose of being examined or producing any object, book or document shall be deemed guilty of contempt of court, and may be dealt with accordingly.

Conduct money

42. Any witness required to attend for the purpose of being examined, or to produce any document, or to give evidence, shall be entitled to the witness fees and conduct money provided by the tariff of costs in the Appendix hereto.

Discovery and Examination

43. Any party to any proceeding in Court may, with leave of the Court, administer interrogatories to or obtain discovery of documents or examination for discovery from any other party to such proceeding, or any other person as authorized by the Court, and may also cross-examine any person upon an affidavit made by him in such a proceeding. Proceedings

Bankruptcy Act—*continued*

under this Rule shall be regulated as nearly as may be by the rules of the Court for the time being in force in relation to like matters in civil actions or matters in such Court. An application for leave under this Rule may be made *ex parte.*

WARRANTS, ARRESTS AND COMMITMENTS

To whom warrants addressed—Forms 62 et seq

44. A warrant of seizure, or a search warrant, or any other warrant issued under the provisions of the Act or these Rules shall be addressed to the sheriff or such other officer or person as the Court may in each case direct.

Custody and production of a debtor

45. When a debtor is arrested under a warrant issued under section 139 of the Act, he shall be given into custody of the governor or keeper of the prison or gaol mentioned in the warrant, who shall produce such debtor before the Court as it may from time to time direct, and shall safely keep him until such time as the Court shall otherwise order; and any books, papers, moneys, goods and chattels in the possession of the debtor, which may be seized, shall forthwith be lodged with the custodian or trustee as the case may be.

Execution of warrant

46. Where a person is apprehended under a warrant issued under section 128 (3) or 135 (1), the officer apprehending him shall forthwith bring him before the Court to the end that he may be examined; and if he cannot be immediately brought up for examination or examined, the officer shall deliver him into the custody of the governor or keeper of the prison or gaol mentioned in the warrant, and the said governor or keeper shall receive him into custody and shall produce him before the Court or Official Receiver as the Court may from time to time direct or order, and subject to such direction or order shall safely keep him.

To be produced for examination

47. The officer executing a warrant issued under section 128 (3) or 135 (1) of the Act shall forthwith after apprehending the person named in the warrant and bringing him before the Court as in the last preceding Rule mentioned, or after delivering him to the governor or keeper of the prison or gaol as in the last preceding Rule mentioned, as the case may be, report such apprehension or delivery to the Court issuing the warrant and apply to the Court to appoint a day and time for the examination of the person so apprehended, and the Court shall thereupon appoint the earliest practicable day for the examination, and shall issue its direction or order to the said governor or keeper to produce him for examination at a time and place to be mentioned in such direction or order. Notice of any such appointment shall forthwith be given by the Registrar to the Official Receiver and to the custodian or trustee, as the case may be, and to any other person who shall have applied for the examination or warrant.

Suspension of order of committal

48. Where an order of committal is made against any person for disobeying any order of the Court to do some particular act or thing, the Court may direct that the order of committal shall not be issued, provided that such person complies with the previous order within a specified time.

Bankruptcy Act—*continued*

Where witness refuses to attend, etc.

49. When a debtor or witness refuses or neglects to attend at the time and place appointed for his examination or, if attending, refuses to be sworn, or to answer any lawful question, the rules of practice for the time being in force in similar or analogous proceedings in civil actions or matters before the Court shall in so far as the same are applicable, and not inconsistent with the Act or these Rules, apply.

SERVICE AND EXECUTION OF PROCESS

Address of solicitor for service

50. Every solicitor suing out, filing or serving any petition, notice, summons, order or other document shall endorse thereon his name or firm and place of business, which shall be called his address for service. All notices, orders, documents and other written communications which do not require personal service shall be deemed to be sufficiently served on such solicitor if left for him at his address for service.

Hours of service

51. Service of notices, orders or other proceedings shall be effected before the hour of five in the afternoon, except on Saturdays, when it shall be effected before the hour of one in the afternoon. Service effected after five in the afternoon on any week day, except Saturday, shall for the purpose of computing any period of time subsequent to such service be deemed to have been effected on the next following day which is not a legal holiday. Service effected after one in the afternoon on Saturday shall for the like purpose be deemed to have been effected on the next following day which is not a legal holiday.

Duties of sheriff or bailiff

52. It shall be the duty of the sheriff or bailiff of the Court having jurisdiction, or such officer or officers as the Court may direct, to serve such orders, summonses, petitions and notices as the Court may require him to serve; to execute warrants and other process; and to do and perform all such things as may be required of him by the Court. Where any notice or other proceeding may be served by post it shall be sent by registered letter.

Enforcement of orders

53. Every order of the Court may be enforced as if it were a judgment of the Court.

COSTS AND TAXATION

Awarding costs

54. (1) The Court in awarding costs may direct that the same shall be taxed and paid as between party and party or as between solicitor and client, or the Court may fix a sum to be paid in lieu of taxed costs.

(2) In the absence of any express direction costs of an opposed motion shall follow the event, and shall be taxed as between party and party.

(3) Where an action is brought by or against a custodian or trustee as representing the estate of the debtor, or where a custodian or trustee is made a party to a cause or matter, on his application or on the application

Bankruptcy Act—*continued*

of any other party thereto, he shall not be personally liable for costs unless the Judge before whom the action, cause or matter is tried for some special reason otherwise directs.

Delays in taxing costs

54A. The Court may direct a solicitor to bring in his bill to be taxed within such time as to the Court seems just, in default of which the Court may thereupon direct the trustee to proceed to distribute the proceeds in his hands without regard to the claim of any such solicitor.

Costs of petition

55. (1) When a receiving order is made on a creditor's petition the costs of the petitioning creditor shall be taxed and be payable out of the estate.

(2) When the proceeds of the estate are not sufficient for the payment of the petitioning creditor's costs and of any costs necessarily incurred by the custodian or trustee down to the conclusion of the first meeting of creditors, the Court may order such costs to be paid by the petitioning creditor.

Order to be produced—Form 87

56. The costs directed by any order to be paid shall be taxed on production of a copy of such order, and the allocatur or certificate of taxation shall be signed and dated by the taxing master or officer and delivered to the person who presented such bill for taxation.

Costs of solicitor to trustee

56A. A direction in writing by the trustee or the production of a written retainer shall be sufficient authority for the taxation of a bill of the solicitor to the trustee.

Tariff of costs—Part II Appendix

57. (1) The tariff of costs set forth in the Appendix and the regulations contained in such tariff shall, subject to these Rules, apply to the taxation and allowance of costs and charges in all proceedings.

Fees in small estates

(2) Where the value of the assets of the debtor estimated or realized as the case may be is according to the certificate of the trustee less than fifteen hundred dollars, the scale of fees, other than disbursements, payable in all proceedings under the Act shall be reduced by one-third.

Notice of appointment

58. Every person whose bill or charges is or are to be taxed shall in all cases give not less than two days' notice of the appointment to tax the same to the trustee, or to the opposite party or his solicitor, as the case may be.

Copy for trustee

59. Every person whose bill or charges is or are to be taxed shall on application of the trustee furnish to the trustee a copy of his bill or charges so to be taxed on payment at the rate of fifteen cents per folio, which payment may be charged to the estate.

Bankruptcy Act—*continued*

Joint and separate estates

60. Where the joint estate or any co-debtors is insufficient to defray any costs or charges properly incurred, the trustee may pay such costs and charges as cannot be paid out of the joint estate out of the separate estates of such co-debtors or one or more of them in such proportion as he may determine, with the consent of the inspectors of the estates out of which the payment is intended to be made, or, if such inspectors withhold or refuse their consent, then with the approval of the Court.

Costs payable by trustee

61. Subject to the provisions of the Act, no costs shall be paid out of the estate or assets of the debtor, excepting the costs of the solicitor or solicitors employed by the trustee and such costs as have been awarded against the trustee or the estate of the debtor by order of the Court in any action or proceeding under the Act or these Rules.

FEES

Fees payable on proceedings—Part III Appendix

62. The fees to be charged in respect of proceedings under this Act shall be as fixed by Part III of the tariff and shall be collected in cash or in such manner as the Lieutenant-Governor in Council provides by the officers who perform the duties under the Act or Rules in respect of which such fees are payable and shall be accounted for by such officers to the Crown in the right of the province. In case of any proceedings not covered by the tariff a fee may be charged of an amount equal to the tariff fee for the proceeding most nearly resembling the one in question. In case of any dispute as to the amount of fees chargeable the Judge shall fix and settle the amount.

RULES RELATING TO THE BUSINESS OF THE COURT

Sittings

63. The Chief Justice shall regulate the bankruptcy sittings and vacations of the Court.

Registrars to act for each other

64. Any Registrar in Bankruptcy may act for any other Registrar.

Execution

65. Writs of execution shall issue from the proper office of the Court and all proceedings thereon and in relation thereto shall be regulated as nearly as may be by the rules of the Court for the time being in force in relation to executions in civil actions or matters before such Court.

Officers refusing to act

66. Where any registrar, clerk or other officer in bankruptcy refuses or neglects to act as such registrar, clerk or other officer or to perform or carry out any act, matter or thing connected with the office to which he has been appointed or assigned for the transaction or disposal of any matter in respect of which power or jurisdiction is given by The Bankruptcy Act or by these Rules, then, and in every such case, the registrar, clerk or other officer so neglecting or refusing shall be guilty of contempt of court and be liable to be punished accordingly.

Bankruptcy Act—*continued*

APPEALS FROM REGISTRAR

67. An appeal from the Registrar shall be by ordinary notice of motion to the Judge of the bankruptcy district or division in which the proceedings are pending. No appeal shall be brought unless the notice thereof is filed with the Registrar and served within ten days after the pronouncing of the order or decision complained of, or within such further time as may be allowed by the Judge. The notice shall set forth fully the grounds of appeal. No security for the costs of the appeal need be given by the appellant.

APPEALS TO APPEAL COURT

Notice and time of appeal

68. (1) No appeal from a Judge to the Appeal Court shall be brought unless notice thereof is filed with the Registrar and served within ten days after the pronouncing of the order or decision complained of or within such further time as may be allowed by a Judge.

Security for appeal

(2) At or before the time of entering an appeal the party intending to appeal shall lodge in the Court the sum of one hundred dollars to satisfy, in so far as the same may extend, any costs that the appellant may be ordered to pay. Provided that the Appeal Court may in any special case increase or diminish the amount of such security or dispense therewith.

Transmission of proceedings

69. The proper officer of the Court appealed from shall upon receiving a copy of the notice of appeal promptly transmit to the Registrar of the Appeal Court the notice of appeal and the file of proceedings in the matter under appeal.

Appeals when issue tried by another Court

70. Where an issue or question is, under the provisions of section 171 of the Act, tried by a Court other than the Court in which the bankruptcy proceedings are pending, any appeal from the decision of such Court shall be made to and be heard by the Appeal Court of the province in which the bankruptcy proceedings are pending, unless the last-mentioned Appeal Court otherwise orders.

Procedure on appeals

71. Subject to the foregoing Rules, appeals to the Appeal Court in any bankruptcy district or division shall be regulated by the rules of such Court for the time being in force in relation to appeals in civil actions or matters.

APPEALS TO SUPREME COURT

Time and notice of application

72. (1) An application for special leave to appeal from a decision of the Appeal Court and to fix the security for costs, if any, shall be made to a Judge of the Supreme Court of Canada within thirty days after the pronouncing of the decision complained of and notice of such application shall be served on the other party at least fourteen days before the hearing thereof.

Bankruptcy Act—*continued*

Security

(2) Where any security for the costs of such appeal is fixed the same shall be given to the Registrar in the manner and form prescribed by the rules and practice of the Supreme Court of Canada, or in manner and form to like effect.

Procedure

73. Subject to the foregoing Rules, appeals to the Supreme Court of Canada shall, as nearly as possible, be regulated by the rules of such Court for the time being in force in relation to appeals in civil matters or actions.

Part III

Petition in Bankruptcy

Form of petition—Form 2

74. Every petition shall be fairly written and no alteration, interlineation or erasure shall be made therein, after the same has been filed, without the leave of the Registrar.

Security for costs

75. A petitioning creditor who is resident abroad, or whose estate is vested in a trustee under any law relating to bankruptcy, or against whom a petition is pending under any such law, or who has made default in payment of any judgment, order for payment of money or of any costs ordered by any Court to be paid by him to the debtor, may be ordered to give security for costs to the debtor and proceedings under the petition may be stayed until such security is furnished.

Issue of petition

When deemed to have been presented

76. With every creditor's petition when filed there shall be lodged a copy to be sealed and issued to the petitioner. The petition shall be deemed to have been presented to the Court on the day of the filing thereof.

Service of petition—Form 3

77. A true copy of the creditor's petition together with a notice of the time and place of the hearing thereof shall be personally served upon the debtor at least eight days before the hearing; provided that where it is proved to the satisfaction of the Court that the debtor has absconded, or in any other case for good cause shown, the Court may, on such terms, if any, as the Court may think fit to impose, hear the petition at such earlier date and without such service as the Court may deem expedient.

Substituted service—Forms 6 and 7

78. If the Court is satisfied by affidavit or other evidence that the debtor is keeping out of the way to avoid service of the petition or any other document, or service of any other legal process, or that for any other cause prompt personal service cannot be effected, it may order substituted service to be made by delivery of the petition or such other document to some

Bankruptcy Act—*continued*

adult inmate at his usual or last known residence or place of business, or by registered letter, or in such other manner as the Court may direct, and such petition or other document shall then be deemed to have been duly served on the debtor.

Proof of service—Form 5

79. Service of the petition may be proved by affidavit, with a sealed copy of the petition attached, and the same shall be filed in Court as soon as practicable after the service.

Service on firm

80. Any notice, petition or other document for which personal service is necessary shall be deemed to be duly served on all the members of a firm if it is served at the principal place or one of the principal places of business of the firm in the province wherein the proceedings are taken, or if there is no such place then at the principal place of business of the firm in Canada, on any one of the partners, or upon any person having at the time of service the control or management of the partnership business there.

Service on individual trading in name other than his own

81. The provisions of the last preceding Rule shall so far as the nature of the case will admit apply in the case of any person carrying on business within the jurisdiction in a name or style other than his own.

Service on corporation

82. Any notice, petition or other document for which personal service is necessary shall be deemed to be duly served on a corporation if it is served at the head office or principal place, or one of the principal places of business of the corporation in the province wherein the proceedings are taken or if there is no such place at the head office or principal place of business of the corporation in Canada, on the president, vice-president, secretary, treasurer, manager or upon any officer of the corporation or upon any person having at the time of service the control or management of the business of the corporation at the place of such service.

Service out of jurisdiction

83. Where a debtor is not in Canada, the Court may order service of the petition or any other document to be made within such time and in such manner and form as it shall think fit.

Death of debtor before service

84. If a debtor against whom a bankruptcy petition has been filed dies before service thereof, the Court may order service to be effected on the personal representatives of the debtor, or on such other person as the Court may think fit.

OFFICIAL RECEIVER

Non-appearance and arrest of debtor

85. When a debtor has failed to present himself before the Official Receiver within the time mentioned in section 128 (3) the Official Receiver shall communicate with the custodian who shall forthwith make application to the Court for a warrant for the arrest of the debtor.

Bankruptcy Act—*continued*

Authorized assignment in blank—Form 16

86. (1) An authorized assignment shall be offered to the Official Receiver in the form prescribed and with the name of the grantee or assignee left blank.

(2) When the trustee has been duly appointed, the Official Receiver shall insert the name of such trustee as the grantee or assignee and shall certify that such trustee has been duly appointed.

Form 16A

(3) Upon the appointment of a trustee following the making of a receiving order, the Official Receiver shall endorse or attach to the certified copy of the receiving order filed with him a certificate in the prescribed form, and, on the same being filed with the Court, the registrar or other officer authorized to make a certified copy of any order shall be entitled to endorse or attach to any certified copy of a receiving order made by him a copy of the certificate of the Official Receiver to all intents and purposes as if the same were endorsed or attached to the original receiving order.

Appointment of custodian—Form 17

87. When an Official Receiver appoints a custodian he shall certify to the appointment in the prescribed form; and shall mail the same to the custodian by registered letter. Where the Official Receiver considers it advisable he shall also notify the custodian by telegraph or telephone of his appointment.

Forms for trustee—Forms 50, 53 and 54. Forms to be filed in Court

88. On the appointment of a trustee one duplicate each of the authorized assignment, Forms 50, 53 and 54 duly attested by the debtor and all proofs of debts, proxies and voting letters shall be handed over by the Official Receiver and the custodian, as the case may be, to the trustee, who shall give receipts therefor to the Official Receiver and the custodian. The other duplicate of the authorized assignment or the certified copy of the receiving order, with the certificate of appointment of trustee endorsed thereon, or attached thereto, together with Forms 50, 53 and 54 shall be deposited by the Official Receiver in the Court having jurisdiction in the locality of the debtor.

Application for directions

89. The Official Receiver may apply to the Court for directions in case of doubt or difficulty or in any matter not provided for by the Act or Rules.

Validity of documents

90. Judicial notice shall be taken of any certificate or other document of any Official Receiver made or given pursuant to the Act or Rules.

May substitute for Official Receiver

90A. In the absence or illness of the Official Receiver his duties may be performed by the Registrar or by an assistant or deputy registrar duly authorized to perform the duties of the Registrar.

Bankruptcy Act—*continued*

INTERIM RECEIVER

Appointment of interim receiver—Form 14

91. After the presentation of a petition, upon the application of a creditor or a debtor and upon proof by affidavit of sufficient grounds for the appointment of an interim receiver of the property of the debtor or any part thereof, the Court may, if it thinks fit and upon such terms as may be just, make such appointment; such order may be made *ex parte*.

Damages if petition dismissed

92. Where, after an order has been made appointing an interim receiver, the petition is dismissed, the Court shall, upon application to be made within twenty-one days from the date of the dismissal thereof, adjudicate with respect to any damages or claim thereto arising out of the appointment, including the proper remuneration of the interim receiver, and shall make such order as the Court thinks fit.

CUSTODIAN

Deposit of security—Form 51

93. Every custodian shall within three days from his appointment deposit with the Official Receiver such security for the proper performance of his duties as shall be directed by the Court or the Official Receiver which appointed him. If the security is given by bond the costs of such bond shall be an expense of the custodian payable out of the estate.

Neglect or refusal to act

94. Any custodian who neglects or refuses to perform the duties imposed on him by the Act and Rules shall be guilty of contempt of court and may be punished accordingly.

Removal for cause

95. A custodian may be removed and another substituted for cause by the Official Receiver or the Court.

Costs—Part III Appendix

96. The costs of the custodian shall, unless the Court otherwise orders, be as set out in the tariff.

Copy of receiving order to Official Receiver

97. In the case of a receiving order, the custodian appointed by the Court shall forthwith transmit to the proper Official Receiver a certified copy of such receiving order.

Application for directions

98. The custodian may apply to the Court for directions in case of doubt or difficulty or in any matter not provided for by the Act or Rules.

HEARING OF PETITION

Debtor intending to show cause—Form 8

99. Where a debtor intends to show cause against a petition he shall file a notice with the proper officer, specifying the statements in the petition which he intends to deny or dispute, and shall transmit by post to the solicitor of the petitioning creditor a copy of the notice three days before the day on which the petition is to be heard.

Bankruptcy Act—*continued*

Non-appearance of debtor

100. If the debtor does not appear at the hearing, the Court may make a receiving order and adjudge the debtor bankrupt on such proof of the statements in the petition as the Court shall think sufficient.

Appearance of debtor to show cause

101. On the appearance of the debtor to show cause against the petition, the petitioning creditor's debt and the act of bankruptcy, or such of those matters as the debtor shall have given notice that he intends to dispute, shall be proved to the satisfaction of the Court by affidavit or by any evidence which would be admissible to prove the facts in a civil action in the Court.

Proceedings after trial of disputed question

102. Where proceedings on a petition have been stayed for the determination of the question of the validity of the petitioning creditor's debt, which question may be determined in such manner as the Court may direct, and such question has been decided in favour of the validity of the debt, the Registrar shall, on production of the judgment of the Court, or a copy thereof, and on the application of the petitioning creditor, fix a day on which further proceedings on the petition may be had. The petitioning creditor shall within forty-eight hours of the date of said appointment mail or deliver to the debtor, at the address given in his notice of dispute, a notice in writing of such appointment, and a like notice to his solicitor, if known.

Application to dismiss

103. Where proceedings on a petition have been stayed for the determination of the question of the validity of the petitioning creditor's debt, and such question has been decided against the validity of the debt, the Registrar shall on the production of the judgment of the Court or a copy thereof, and on application of the debtor, fix a day on which he may apply to the Court for the dismissal of the petition with costs. The debtor shall within forty-eight hours of the date of the appointment mail or deliver to the petitioner (and to his solicitor, if known) notice in writing of the time and place fixed for the hearing of the application.

RECEIVING ORDER

Contents—Form 13

104. When a receiving order is made on a creditor's petition there shall be stated in the receiving order the nature and date, or dates, of the act, or acts, of bankruptcy upon which the order has been made.

Service—Form 13

105. The custodian shall cause a copy of the receiving order to be served upon the debtor. The said copy so served shall bear the endorsements set out in Form 13.

Receiving order against firm

106. A receiving order against a firm shall operate as a receiving order not only against the firm, but also against each person who at the date of the order is a partner in that firm.

Bankruptcy Act—*continued*

Liability of limited partners

107. The rights or liabilities of any past or present limited partner of a limited partnership, against which a receiving order has been made or which has made an authorized assignment, as such rights or liabilities are fixed or defined by the statutory provision (if any) of the province wherein the partnership business is or has been carried on, shall not in any way be prejudiced or affected by these Rules.

Application to rescind receiving order, etc.

108. An application to the Court to rescind a receiving order or to stay proceedings thereunder, or to annul an adjudication, shall not be heard except upon proof that notice of the intended application and a copy of the affidavits in support thereof have been duly served upon the petitioning creditor or creditors and the custodian or trustee, as the case may be. Unless the Court gives leave to the contrary, notice of any such application together with copies of such affidavits shall be served on the petitioning creditor or creditors and the custodian or trustee as the case may be, not less than four days before the day named in the notice for hearing the application. Pending the hearing of the application, the Court may make an interim order staying such of the proceedings as it thinks fit.

DUTIES OF DEBTORS

Examination of debtor—Form 50

109. (1) The Official Receiver shall require the debtor to answer the questions set out in Form 50 or questions to the like effect; and shall cause the debtor's answers to be taken down. The form shall be completed or the answers transcribed, as the case may be, in duplicate.

Attestation

(2) The Official Receiver may direct the debtor to attest two copies of the form as so completed, or the answers as so transcribed, and to verify the correctness of the same by oath or statutory declaration; and it shall be the duty of the debtor to comply with such direction of the Official Receiver; and in default thereof he shall be guilty of contempt of court.

When assignor a corporation—Form 50

(3) Whenever the authorized assignor is a corporation, the Official Receiver shall require the officer executing the assignment, or such other officer as he shall direct, to answer the questions set out in Form 50, and such officer shall for the purposes of such examination be deemed to be the debtor.

STATEMENT OF AFFAIRS

Form of statement—Forms 53 and 54

110. (1) The sworn statement required by section 9 (2) shall be according to Form 53 or to the like effect, and the sworn statement required by section 129 (1) shall be according to Form 54 or to the like effect. The statement shall be completed and sworn in duplicate. Where the debtor is able at the time of the making of the authorized assignment to supply the information required by Form 54, that form may be completed in lieu of Form 53.

Bankruptcy Act—*continued*

Partnership

(2) Where the debtor is a partnership it shall submit a statement in duplicate of its partnership affairs verified by one of the partners or by the manager in charge of the business, and each partner shall submit a statement, in duplicate, of his separate affairs verified personally.

Corporation

(3) Where the debtor is a corporation the statement of affairs, in duplicate, shall be verified by the president, vice-president, secretary, treasurer or manager.

Failure of corporation to comply

(4) If, within the time mentioned in section 129 (2), the corporation has not submitted its statement verified as provided by the next preceding paragraph of this Rule, each of the officers therein mentioned shall be deemed guilty of contempt of court and shall be punishable accordingly.

COMPOSITION, EXTENSION OR SCHEME OF ARRANGEMENT

Form of proposal—Forms 20 to 23

111. Where a debtor intends to submit a proposal for a composition, extension or scheme of arrangement the prescribed forms of proposal and notice shall be used by the trustee for the purpose of meetings of creditors for consideration of the proposal.

Notice to creditors—Forms 27 and 28

112. Whenever an application is made to the Court to approve a composition, extension or scheme, the trustee shall, not less than seven days before the hearing of the application, send notice by registered mail of the application to the debtor and to every creditor who has proved his debt; and the trustee shall file his report not less than two days before the time fixed for hearing the application.

Opposed application

113. In any case in which an application is made to the Court to approve a composition, extension or scheme and the trustee reports to the Court any fact, matter or circumstance which would justify the Court in refusing to approve the composition, extension or scheme, such application shall be deemed to be an opposed application within the meaning of section 159 (1) (*d*) of the Act.

Hearing and appeal

114. On the hearing of any application to the Court to approve a composition, extension or scheme the Court shall in addition to considering the report of the trustee hear the trustee, the debtor and/or any opposing, objecting or dissenting creditor thereon, and an appeal to the Court of Appeal shall lie at the instance of the trustee, the debtor or any such creditor from any order of the Court made upon such application.

Costs of application

115. No costs incurred by a debtor of or incidental to an application to approve a composition, extension or scheme, other than the costs incurred by the trustee, shall be allowed out of the estate if the Court refuses to approve the composition, extension or scheme.

Bankruptcy Act—*continued*

Proof of compliance with Act

116. The Court before making an order approving a composition, extension or scheme shall, in addition to investigating the other matters as required by the Act, require proof that the provisions of sections 12 and 13 (1) of the Act have been complied with.

Correction of errors

117. At the time a composition, extension or scheme is approved, the Court may correct or supply any accidental or formal slip, error or omission therein, but no alteration in the substance of the composition, extension or scheme shall be made.

Where composition annulled

118. Where a composition, extension or scheme is annulled the property of the debtor shall, unless the Court otherwise directs, forthwith revest in the trustee in whom the estate was originally vested without any special order being made or necessary.

Claims to be proved and admitted

119. Every person claiming to be a creditor under any composition, extension or scheme, who has not proved his debt before the approval of such composition, extension or scheme, shall lodge his proof with the trustee thereunder, who shall admit or disallow the same, and no creditor shall be entitled to enforce payment of any part of the sums payable under a composition, extension or scheme unless and until he has proved his debt and his proof has been admitted or allowed.

TRUSTEE

Notice of appointment

120. When a trustee has been appointed he shall forthwith gazette notice of his appointment and shall forward a notice of his appointment to the Registrar.

Failure to deposit security—Form 34

121. (1) If within seven days after his appointment the trustee has not deposited with the Official Receiver the security required by section 37 (8), the trustee shall report that fact to the Court, and the Court may thereupon give such directions as the case may require. In case the trustee does not report as by this Rule provided he shall be guilty of contempt of court and may be punished accordingly.

Official Receiver to report failure to Court

(2) If any trustee fails to deposit with the Official Receiver within the time mentioned in paragraph (1) hereof the security therein referred to it shall be the duty of the Official Receiver to report the fact to the Court. The report shall be made within two days after the expiration of the time therein referred to; and may be made by registered prepaid letter addressed to the Registrar.

Court to direct

(3) On receipt of such report the Court may give such directions as the case may require.

Bankruptcy Act—*continued*

Creditor may obtain copy of estate accounts

122. Any creditor who has proved his debt may apply to the trustee for a copy of the accounts or any part thereof relating to the estate as shown by the cash book up to date, and on paying for the same at the rate of fifteen cents a folio he shall be entitled to have such copy accordingly.

Accounts to be passed after two years

123. (1) Whenever a period of two years has elapsed from the date of the receiving order or authorized assignment and no final dividend has been declared it shall be the duty of the trustee after ten days' notice to the creditors to report to the Court and to pass his accounts to date.

Failure to pass accounts

(2) If the trustee does not report to the Court as provided by this Rule the trustee may be removed on application of any creditor.

Notice and report—Forms 39 and 40

(3) The notice to creditors and the report to the Court shall be according to the prescribed forms; and there shall accompany them an abstract of all receipts and expenditures of the trustee.

DISCHARGE OF TRUSTEE

Form of application—Forms 43 and 44

124. The application of a trustee for a grant of discharge (whether full or partial) shall be made in the prescribed form to the Registrar and shall be verified by the affidavit of such trustee. Such application shall contain or have attached thereto a complete and itemized statement showing all moneys realized by such trustee from and out of the property of the bankrupt or assignor and of all moneys disbursed and expenses incurred and the remuneration claimed by such trustee; and full particulars, description and value of all property belonging to the estate which has not been sold or realized upon, setting out the reasons why such property has not been sold or realized upon; and full particulars and information with regard to any unsettled disputes, actions or proceedings between such trustee and either the debtor or any creditor or creditors or any other person connected with the estate.

Notice—Form 42

125. The trustee shall, unless otherwise ordered by the Court on an *ex parte* application, at least ten days prior to the hearing of the application send notice in writing by registered mail to the debtor and to each of the creditors and to the Superintendent.

Rules on discharge

126. On an application by a trustee for his discharge, the following rules shall be applied:

Trustee's fee

(1) Unless the Court otherwise orders the fee of the trustee shall be deemed to cover all services performed by the trustee, his partners and employees; he shall in no case include any remuneration for services performed by the Official Receiver or custodian, and in any case where the

Bankruptcy Act—*continued*

remuneration has not been fixed by the creditors, pursuant to subsection (1) of section 85, the Court shall consider whether the fee charged by the trustee is reasonable, having regard to the services actually performed by him and by the custodian and Official Receiver, respectively, and may adjourn the application for discharge in order to enable any creditor or the debtor to make application for a reduction of such remuneration.

Disbursements

(2) In taxing the disbursements of a trustee pursuant to the provisions of subsection (5) of section 85 the taxing officer may allow as disbursements, in addition to other actual disbursements of the trustee, the items set out in the Scale of Trustee's Disbursements in Part III of the tariff. The disbursements of a trustee shall not include rent of trustee's office nor storing books or records.

Court to determine

(3) Subject to the provisions of the Act and of this Rule the Court shall determine what fees and disbursements are properly chargeable by the trustee.

Debtor or creditor opposing discharge

127. (1) If the debtor or any creditor desires to oppose the application for discharge he shall file with the Registrar, at least two days prior to the hearing or within such further time as the Court may allow, a notice in writing of his intention to oppose the application setting out his reasons therefor and shall serve a copy of the said notice on the trustee within the time aforesaid.

Hearing of application—Form 45

(2) If the application for discharge is not opposed the Registrar may either grant or refuse the same. If the application is opposed the same shall be adjourned for hearing before a Judge.

Records and important documents to be kept

128. The trustee shall keep for a period of at least six years from the date of declaring a final dividend all current books of record and important documents of the estate of the bankrupt or authorized assignor. After the expiration of such period the trustee may destroy unimportant books and documents but shall continue to keep for a further period of fourteen years from the date thereof all title papers relating to real or immovable estate, important documents under seal and such other books and papers which in the judgment of the trustee should be kept. During the said periods the trustee shall at all times produce and dispose of all books and papers in his possession as ordered by the Court.

Proof of appointment.

128A. A certificate of an Official Receiver or of the Court that a person has been appointed trustee at the first meeting of creditors or subsequently thereto on the removal or displacement of a trustee, or a certified copy of an order or a certificate of such an order appointing a trustee in the place and stead of any former trustee, shall be conclusive evidence for any purpose of his appointment.

Bankruptcy Act—*continued*

Procedure in case of false bidding in Province of Quebec

129. In the case of the sale of immovable property in the Province of Quebec by the trustee, if the purchaser has not paid the whole of the purchase price or given security when he may lawfully do so under the provisions of the Code of Civil Procedure for the Province of Quebec, the trustee may obtain from the Court an order for the resale of the property; the purchaser may however prevent the resale for false bidding by paying to the trustee, before such resale, the amount of his bid with the interest accrued by reason of his default and all costs incurred thereby; if a resale takes place the false bidder is liable to the trustee for the difference between the amount of his bid and the price brought on the resale with all costs incurred by reason of his default for the payment of which, on application of the trustee, the Court may make an order against the false bidder; if the price obtained on the resale is greater, it goes to the benefit of the estate.

MEETINGS OF CREDITORS

Notice to debtor to attend first meeting—Form 55

130. The custodian shall give three days' notice to the debtor of the time and place appointed for the first meeting of creditors. The notice may be either delivered to him personally or sent to him by registered prepaid post. It shall be the duty of the debtor to attend such first meeting, although the notice is not sent to or does not reach him. In the case of a debtor corporation the directors shall attend the first meeting.

Notices to creditors

131. Notices of meetings of creditors shall be mailed not less than three days before the day appointed for the meeting.

In the case of a partnership

132. Where a receiving order is made against, or an authorized assignment is made by, a partnership, the creditors of the partnership and of each of the partners shall collectively be convened for the first meeting of creditors.

Non-reception of notice by creditor

133. (1) Where a meeting of creditors is called by notice, the proceedings had and resolutions passed at such meeting shall, unless the Court otherwise orders, be valid, notwithstanding that some creditors shall not have received the notice sent to them and notwithstanding the inadvertent omission to send such notice to one or more creditors.

Place of adjourned meeting

(2) Where a meeting of creditors is adjourned, the adjourned meeting shall be held at the same place as the original place of meeting, unless in the resolution for adjournment another place is specified.

Proofs to be lodged with custodian before meeting—Form 48

134. Proofs intended to be used at the first meeting of creditors shall be lodged with the custodian not later than the time mentioned for that purpose in the notice convening the meeting. A proof intended to be used at an adjournment of a first meeting (if not lodged in time for the first meeting) must be lodged not less than twenty-four hours before the time for holding the adjourned meeting.

Bankruptcy Act—*continued*

When debtor entitled to expenses

135. A debtor who is required by a trustee to attend any meeting of creditors (other than the first meeting) and who resides at a distance of more than ten miles from the place of such meeting shall be entitled to be paid for such attendance the like conduct money and expenses as if he were a witness required to attend in Court or for the purpose of being examined.

Creditors to express views by classes

136. Every class of creditors shall express its views and wishes separately from every other class and the effect to be given to such views and wishes shall, in case of any dispute and subject to the provisions of the Act, be in the discretion of the Court having regard to the financial condition of the debtor.

PROOF OF CLAIMS

Workmen's wage claims—Form 49

137. In any case in which it shall appear from the debtor's statement of affairs that there are numerous claims for wages by workmen and others employed by the debtor, it shall be sufficient if one proof for all such claims is made either by the debtor, or his foreman, or the bookkeeper of the debtor, or some other person on behalf of all such creditors. Such proof shall have annexed thereto, as forming part thereof, a schedule setting forth the names of the workmen and others, and the amount severally due to them. Any proof made in compliance with this Rule shall have the same effect as if separate proofs had been made by each of the said workmen and others.

Notice of admission of proof

138. Where a creditor's proof has been admitted the notice of dividend shall be sufficient notification to such creditor of such admission.

DISALLOWANCE OF CLAIMS

Form and service of notice—Form 52

139. The appeal of a claimant from the decision of the trustee under section 84 or 127 shall be by notice of motion and the trustee shall be served with a copy in the ordinary manner provided by these Rules. The Court shall dispose of the appeal summarily on affidavits or such oral evidence or both as to the Court shall seem just, except where, in the opinion of the Court, it is desirable or expedient because of the importance or complications of the matter in dispute or the amount involved that the Court direct an issue.

For recovery of goods

139A. Where a claimant desires to recover goods referred to in section 54, he shall file with the custodian or trustee, as the case may be, a notice of his claim verified by affidavit, giving the grounds on which the claim is based and sufficient particulars to enable the goods to be identified, and the trustee when appointed shall after investigating the claim either return the said goods or give notice that the right of the claimant thereto is disputed, whereupon the claimant may within ten days thereafter appeal therefrom in the manner provided for in Rule 139. The trustee shall in no case be liable for the costs of such appeal or any loss occasioned by such dispute made in good faith.

Bankruptcy Act—*continued*

When issue is directed

139B. Where an issue is directed on any matter before the Court any of the parties thereto shall be entitled as of right, unless the Court otherwise orders, to discovery and production of documents and to examination for discovery, and where on examination for discovery the trustee is unable of his own knowledge to make discovery of all the facts at issue, the debtor or debtors, or in the case of a debtor corporation any officer or servant thereof, may be examined as to the facts in accordance with the rules provided for in the general practice of the Court in civil actions.

Costs of appeal

140. The trustee shall in no case be personally liable for costs in relation to an appeal from his decision rejecting or disallowing any proof wholly or in part.

CONTINGENT OR UNLIQUIDATED CLAIMS

Form and service of notice of motion
Disposal by Judge

141. Where a contingent claim has been filed with a trustee, or one in the nature of unliquidated damages arising by reason of a contract, promise or breach of trust, and the trustee under the provisions of section 43 of the Act has been unable to make a compromise or other arrangement satisfactory to the inspectors in respect thereof, the trustee shall apply to a Judge, by way of notice of motion, to value the claim, serving the claimant with a copy of the notice of motion in the ordinary manner provided by these Rules. The trustee shall prior to the hearing of the motion file with the Registrar a copy of the claim in question and an affidavit or affidavits by the trustee, the debtor or by some other person having knowledge of the claim setting out as full particulars and information as to the claim as have been ascertained, also setting out what steps (if any) were taken to make a compromise or other arrangement in respect of the claim, and particulars of any offer of compromise or arrangement made by the trustee with the permission of the inspectors, and such other facts as the trustee deems advisable. The Judge shall hear and dispose of the matter summarily and either on affidavits or *viva voce* evidence or both as to the Judge shall seem best.

SETTLEMENTS AND PREFERENCES

Form and service of notice of application.
Disposal by Judge

142. Applications by a trustee, or any person, to set aside or avoid under the Act, or any other Act or law, any settlement, conveyance, transfer, security or payment, or to declare for or against the title of the trustee to any property adversely claimed, and any proceedings under The Winding-up Act against any past or present director, manager, liquidator, receiver, employee or officer of any company, against whom a receiving order has been made, or which has made an authorized assignment, shall be to a Judge in Chambers by notice of motion served in the ordinary manner as provided by these Rules. The Judge may proceed in a summary manner to try the question or issue in the case or may adjourn the hearing, or may direct or settle any question or issue to be tried, or may give such directions for the preparation and filing of pleadings and for the trial of such question or issue, or may make such other order in the premises as to the Judge shall seem best.

Bankruptcy Act—*continued*

Lis pendens

143. Any application or notice of motion under the preceding Rule may contain a description of the land (if any) in question, and upon filing the same or a copy thereof, signed by the solicitor of the applicant, with the proper officer, a certificate of *lis pendens* may be issued for registration, and, in case the said application or motion is refused in whole or in part, a certificate of such order may be issued for registration.

CONTRIBUTORIES TO INSOLVENT CORPORATIONS

Form of demand—Form 35

144. The demand of a trustee on any contributory shall be in the prescribed form and there shall be no duty imposed on the trustee to make demands on a *pro rata* basis so far as the contributories of a debtor are concerned or to adjust rights as between contributories.

Judgment by default—Form 36

145. If a contributory does not pay the trustee the amount demanded and does not give notice in writing, to the trustee, disputing the demand within the time and in the manner provided by the Act, the trustee may, from and after the expiration of thirty days from the date of service of the demand, make an *ex parte* application to the Court in the prescribed form for judgment against the contributory and the Court may on such application, without notice to the contributory, give judgment in favour of the trustee for the amount demanded or such amount as the Court finds justly owing and for the costs of the application.

Where contributory disputes demand—Form 36

146. In the case where a contributory has given notice in writing to the trustee disputing the demand, within the time and in the manner provided by the Act, the trustee may, from and after the expiration of thirty days from the date of service of the demand, make application to the Court in the prescribed form for judgment against the contributory, giving the contributory at least four days' notice of such application, and the Court on the hearing of the application may proceed in a summary way to try the question or issue in the case or may adjourn the hearing or may direct and settle any question or issue to be tried between the trustee and the contributory or may give such directions for the preparation and filing of pleadings or for the trial of such question or issue or may make such other order in the premises as to the Court shall seem best.

More than one contributory may be included

147. The trustee may include in any application more than one contributory.

Documents to be filed

148. At least two days before the hearing of any such application the trustee shall file with the proper officer the verified statement of the affairs of the debtor, an estimate of the trustee as to the realizable value of all property of the debtor, and a list of all proved or provable claims against the estate of the debtor in so far as the trustee is able to ascertain.

Bankruptcy Act—*continued*

Execution may be stayed

149. If it should appear to the Court that the issue of immediate execution under any judgment recovered or entered by a trustee against a contributory would be an undoubted hardship on the contributory, or would be unjust or inequitable, the Court may, on the application or request of the contributory and on such terms as to security or otherwise as the Court deems advisable, order that execution be stayed pending the adjustment of rights between contributories or for such period as to the Court shall seem best.

Adjustment between contributories—Forms 37 and 38

150. In case a contributory desires to have the Court adjust rights and liabilities as between contributories he may make application to the Court in the prescribed form setting out his grounds in an affidavit in the prescribed form. He shall give at least four days' notice of such application to all other contributories from whom he claims contributions. The Court may on an *ex parte* application direct the method of service of said notice, whether by personal service, mail or otherwise, as to the Court may seem best.

Court to adjust

151. The Court may on any such application order any one or more of the contributories of the debtor to pay into Court such amounts as may be found by the Judge to be just and equitable and in default of payment of the amount so found the Court may give judgment against any defaulting contributory directing payment of such amount to the applicant or to the trustee or otherwise and may dispose of the costs of such application.

Payment

152. All moneys paid into Court shall be adjusted, divided and paid out according to the directions of the Judge and where the Judge deems advisable such moneys or any portion thereof may be paid out to the trustee.

EXAMINATION OF DEBTOR AND OTHERS

May be held before Registrar, etc.

153. Examinations under sections 134 to 138 of the Act or any other examination may be held before a Registrar or before any person or officer who is qualified or authorized to hold examinations for discovery or of judgment debtors in accordance with the rules for the time being in force in civil actions or matters before the Court in the bankruptcy district or division in which the examination is held or to be held or before such other person as the Court on an *ex parte* application therefor may order.

Place of examination

154. Such examination may be held in the bankruptcy district or division in which the debtor or other person to be examined resides or in which he is served with the appointment for examination, or in which the debtor, or such other person, resided or carried on business at the date of the receiving order or authorized assignment, notwithstanding that such bankruptcy district or division may not be the same district or division in which

Bankruptcy Act—*continued*

the bankruptcy of the debtor occurred or in which the debtor made an authorized assignment or in which the proceedings are being carried on; or the examination may be held at such time and place and in such bankruptcy district or division in Canada as the Court on application may order. Such application, unless the Court otherwise directs, may be made *ex parte*.

Appointment for—Form 66

155. Any such Registrar, person or officer empowered to hold examinations may grant, in duplicate, an appointment for examination in the form provided by the Appendix or in form to like effect.

Service

156. A duplicate of such appointment shall be served upon the debtor or person to be examined at least forty-eight hours before the time of examination.

DISCHARGE OF DEBTOR

When application deemed to be opposed application

157. (1) In any case in which an application is made to the Court by a debtor for his discharge and the trustee reports to the Court any fact, matter or circumstance which would, under the Act, justify the Court in refusing an unconditional order of discharge, such application shall be deemed to be an opposed application within the meaning of section 159 (1) (*c*) of the Act.

Examination of debtor

(2) The Court may, on the application by a debtor for his discharge, cause the debtor to be brought before the Court for examination or further examination.

Appeals

158. An appeal to the Appeal Court shall lie at the instance of the trustee, the debtor and/or at the instance of any creditor or creditors who oppose the discharge, from any order of the Court made upon the application for discharge.

When trustee's report disputed

159. When a debtor intends to dispute any statement with regard to his conduct and affairs contained in the trustee's report he shall at or before the time appointed for hearing the application for discharge give notice in writing to the trustee specifying the statements in the report, if any, which he proposes at the hearing to dispute. Any creditor who intends to oppose the discharge of a debtor on grounds other than those mentioned in the trustee's report shall give notice of the intended opposition, stating the grounds thereof, to the trustee and to the debtor at or before the time appointed for the hearing of the application. In either of such cases the Judge or Registrar may enlarge the hearing of the application as deemed advisable.

Costs of application

160. (1) A debtor shall not be entitled to have any of the costs of or incidental to his application for discharge allowed to him out of his estate.

Bankruptcy Act—*continued*

Following payment of final dividend

(2) If the debtor does not make his application for discharge until after the trustee has paid the final dividend, he shall, before the order of discharge is signed or delivered out, pay to the trustee such remuneration and solicitor's costs as the Court may allow.

Order conditional on consent to judgment—Forms 79, 80 and 81

161. (1) Where the Court grants an order of discharge conditionally upon the debtor consenting to judgment being entered against him by the trustee for the balance or any part of the balance of the debts provable under the bankruptcy or authorized assignment which is not satisfied at the date of his discharge, the order of discharge shall not be signed, completed or delivered out until the debtor has given the required consent. The judgment shall be entered in the Court having jurisdiction in bankruptcy in the district or division in which the order of discharge is granted.

Order may be revoked, etc.

(2) If the debtor does not give the required consent within ten days of the making of the conditional order the Court may, on the application of the trustee, revoke the order or make such other order as the Court may think fit.

Effective date of order

162. The order of the Court made on an application for discharge shall be dated on the day on which it is made, and shall take effect from the day on which the order is drawn up and signed; but such order shall not be delivered out or gazetted until after the expiration of the time allowed for appeal, or, if an appeal be entered, until after the decision of the Appeal Court thereon.

Application for leave to issue execution

163. (1) An application by the trustee for leave to issue execution on a judgment entered pursuant to a conditional order of discharge shall be made to the Court in writing, and shall state shortly the grounds on which the application is made.

Notice

(2) The trustee shall give not less than four days' notice of the application to the debtor, and shall at the same time furnish him with a copy of the application.

Earnings and after-acquired property

164. Where a debtor is discharged subject to the condition that judgment shall be entered against him, or subject to any other condition as to his future earnings or after-acquired property, it shall be his duty until such judgment or condition is satisfied, from time to time, to give the trustee such information as he may require with respect to his earnings and after-acquired property and income, and not less than once a year to file in the Court and with the trustee a statement showing the particulars of any property or income he may have acquired subsequent to his discharge.

Bankruptcy Act—*continued*

Verification of statement—Form 82

165. Any statement of after-acquired property or income filed by a debtor whose discharge has been granted subject to conditions shall be verified by affidavit, and the trustee may require the debtor to attend before an examiner to be examined on oath with reference to the statements contained in such affidavit, or as to his earnings, income, after-acquired property or dealings. Where a debtor neglects to file such affidavit or to attend for examination when required so to do, or properly to answer all such questions as the Court may decide to be proper, the Court may, on the application of the trustee, rescind the order of discharge.

Application for modification of order

166. Where, after the expiration of one year from the date of any order made upon a debtor's application for a discharge, the debtor applies to the Court to modify the terms of the order on the ground that there is no reasonable probability of his being in a position to comply with the terms of such order, he shall give fourteen days' notice by mail of the hearing of the application to the trustee and to all his creditors.

MISCELLANEOUS

No lien on debtor's books

167. No person shall, as against the trustee, be entitled to withhold possession of the books of account belonging to the debtor or to set up any lien thereon.

Non-compliance with Rules

168. Non-compliance with any of these Rules, or with any rule of practice for the time being in force, shall not render any proceeding void unless the Court shall so direct, but such proceeding may be set aside, either wholly or in part, as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Court may think fit.

Reckoning of days

169. In all cases in which any number of days not directed to be clear days is prescribed by the Act or by these Rules, or by any notice or order in reference to any proceeding under the Act, the same shall be reckoned exclusively of the date from which the computation is made, but inclusively of the day on which the act or proceeding referred to is to be done or taken.

Reckoning of days

170. Where notice is to be given or service is required to be made a certain number of days before the day on which something is to be done, if the words "clear days" or "at least" or "not less than" are used, both the day of service or of giving notice and the day on which such thing is to be done shall be excluded from the computation.

Reckoning of time

or event is appointed or allowed for doing any act or taking any proceeding, or event is appointed or allowed for doing any act or taking any proceeding, days on which the offices of the Court are closed shall not be reckoned in the computation of such limited time.

Bankruptcy Act—*continued*

Reckoning of time

172. Where the time for doing any act or taking any proceeding expires on a Sunday or other day on which the offices of the Court are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time of doing or taking same, be held to be duly done or taken on the next day on which the said offices are open.

General practice under Act and Rules

173. The general practice of the Court in civil actions or matters before it, including the course of proceedings and practice in Judges' Chambers, shall in cases not provided for by the Act and amendments thereto, or these Rules, and so far as the same are applicable and not inconsistent with the said Act or these Rules, apply to all proceedings under the said Act.

Inspections by Superintendent

174. The Superintendent may engage such chartered accountants or other persons as he may deem advisable to conduct any inspection or investigation or to take any other necessary action outside of the office of the Superintendent, and the cost and expenses thereof shall, when certified by the Superintendent, be payable out of the appropriation for the office of the Superintendent of Bankruptcy.

Superintendent may require trustee to furnish documents

175. The Superintendent may at any time require a trustee to furnish him with copies of all notices, statements or reports sent by the trustee to creditors, also copies of all examinations of debtors and others made under the provisions of The Bankruptcy Act.

Bankruptcy Act—*continued*

APPENDIX

Part I—Forms

No. 1

TITLE FOR PROCEEDINGS

General Title.

In the matter of the bankruptcy of ....., debtor

No. 1A

Title for Court proceedings.

In the ..... Court of .....

In Bankruptcy

In the matter of the bankruptcy of ....., debtor

No. 1B

Title for Court orders.

In the ..... Court of .....

In Bankruptcy

The Hon. Mr. Justice } ..... day, the .....
or } ..... day of .....
The Registrar (*as the case may be*) } ....., 19....

In the matter of the bankruptcy of ....., debtor

Bankruptcy Act—*continued*

No. 2

PETITION FOR RECEIVING ORDER

(Title) (Form 1A)

I (*or we*), ..., of ....., hereby petition the court that (*a*) ....., of the ..... of ....., in the Province of ....., lately carrying on business at (*or* residing at) the ..... of ....., in the Province of ...., be adjudged bankrupt and that a receiving order may be made in respect of his estate, and say:—

(*a*) Insert name of debtor.

1. That the said ..... has at some time during the six months next preceding the presentation of this Petition carried on business (*or* now resides) at ..... within the jurisdiction of this Court *or* the greater portion of the property of the said ..... is situate at ..... within the jurisdiction of this Court.

2. That the said ..... is justly and truly indebted to me (*or* us in the aggregate) in the sum of .... (*set out the amount of the debt or debts and the consideration*).

3. That I (*or* we) do not, nor does any person on my (*or* our) behalf hold any security on the said debtor's estate, or on any part thereof, for the payment of the said sum.

or

That I hold security for the payment of (*or* part of) the said sum (but that I will give up such security for the benefit of the creditors of ..... in the event of his being adjudged bankrupt) (*or* and I estimate the value of such security at the sum of .....).

or

That I, ..., one of your petitioners, hold security for the payment of, *etc.*

That I, ..., another of your petitioners, hold security for the payment of, *etc.*

4. That ....., within six months before the date of the presentation of this Petition, has committed the following act (*or* acts) of bankruptcy, namely: (*here set out the nature and date or dates of the act or acts of bankruptcy relied on*).

5. That ....., of ..... is a person qualified to act as custodian in respect of the estate of the said debtor and is acceptable to the undermentioned creditors:—

Creditor	Address	Amount of debt
.....	.....	.....
.....	.....	.....
.....	.....	.....

Dated at ..... this ..... day of ....., 19....

.....
(Signature(s) of petitioner(s))

Signed by the petitioner(s) in my presence.

.....
(Signature of witness)

Bankruptcy Act—*continued*

No. 3

NOTICE OF HEARING

(Title may be omitted if notice endorsed on Petition.)

Take notice that a Petition that you, ... of ....., be adjudged bankrupt and that a receiving order may be made in respect of your estate will be heard before the Honourable Mr. Justice ..... in Chambers (*or if unopposed* before the Registrar in Chambers) at ..... on ....., the ..... day of ....., 19...., in the ..... of ..... at the hour of ..... o'clock in the ..... noon or so soon thereafter as the Petition can be heard.

If you do not appear at the hearing the Court may make a receiving order and adjudge you bankrupt on such proof of the statements in the Petition as the Court shall think sufficient.

Dated at ....this ..... day of ....., 19....

To .....
(name of debtor)

.....
Petitioner (*or* Solicitor for Petitioner).

No. 4

AFFIDAVIT OF TRUTH OF STATEMENTS IN PETITION

(Title) (Form 1A)

I, the petitioner named in the Petition hereunto annexed, make oath and say:—

1. That ..... is justly and truly indebted to me in the sum of ....., as stated in the before-mentioned Petition.

2. That such of the statements in the said Petition as relate to my own acts and deeds are true, and such of the statements as relate to the acts and deeds of any other person or persons I believe to be true.

Sworn before me at the.....
..... of .....
in the Province of .....
.....
this ..... day of
....., 19....

.....
(Signature of petitioner).

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of .....

Bankruptcy Act—*continued*

No. 4A

AFFIDAVIT OF TRUTH OF STATEMENTS IN JOINT PETITION

(Title) (Form 1A)

We, ..., ..., ..., the petitioners named in the Petition hereunto annexed, severally make oath and say:—

And first I, the said ....., for myself say:—

1. That ..... is justly and truly indebted to me in the sum of ..... as stated in the before-mentioned Petition.

2. That I do not nor does any person on my behalf hold any security (*or as the case may be, verifying the facts set out in paragraph 3 of the Petition*).

3. That such of the statements in the said Petition as relate to the acts and deeds of other persons I believe to be true upon the following grounds (*here set out reasons for believing that the debtor has committed, within the preceding six months, the act or acts of bankruptcy mentioned in the Petition and any other matters requiring proof, such as the residence of the debtor or the place where he has carried on business*).

And I, the said ....., for myself say:—

4. That ..... is justly and truly indebted to me in the sum of ..... as stated in the said aforementioned Petition.

5. That I do not .....(*here follow paragraphs 2 and 3*).

And I, the said ....., for myself say:—

6. That ..... is (*here follow paragraph 1*).

7. That I do not .....(*here follow paragraphs 2 and 3*).

Sworn before me at the.....
..... of .....
in the Province of .....
.....
this ..... day of .....
....., 19....

.....
(Signatures of the deponents).

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of .....

Bankruptcy Act—*continued*

No. 5

AFFIDAVIT OF SERVICE OF PETITION

(Title) (Form 1A)

I, ..., of ....., make oath and say:—

1. That I did on ..... day, the ..... day of ....., 19...., serve the above-named .... (*or* the partners of the above-mentioned firm of ....) with a copy of the above-mentioned Petition, notice of hearing and affidavit of truth, by delivering the same personally to the said ..... (*or* ..... a partner, or ....., a person having at the time of service the control or management of the partnership business there) (*or* the President, Vice-President, Secretary, Treasurer, Manager *or other officer of the debtor if a corporation, or* ....., the person having at the time of service the control or management of the business of the Corporation) at (place) ..... before the hour of ..... in the ..... noon.

2. A sealed copy of the said Petition is hereunto annexed.

Sworn before me at the.....
..... of .....
in the Province of .....
.....
this ..... day of
....., 19....

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of.....

NOTE: If the service is effected on one partner on behalf of his firm, or on a person having at the time of service the control and management of the partnership business there or of a business carried on by any person in a name or style other than his own, the affidavit must after the word "at" contain the words "being the principal place of business of the said".

Bankruptcy Act—*continued*

No. 6

NOTICE OF SUBSTITUTED SERVICE OF PETITION

(Title) (Form 1A)

To .....

Take notice that a bankruptcy Petition has been presented against you in this Court by ..... of ..... and that the Court has ordered that the sending of a copy of the Petition together with a copy of the order for substituted service by registered post addressed to ..... and/or the publication of this notice in the ..... Gazette and/or in the ..... newspapers (*following the terms of the order for substituted service*) shall be deemed to be service of the Petition upon you; and further take notice that the said Petition will be heard by this Court on the ..... day of ....., 19...., at ..... o'clock in the ..... noon on which day you are required to appear, and if you do not appear the Court may adjudge you bankrupt and may make a receiving order against you in your absence, on such proof of the statements in the Petition as the Court shall think sufficient.

The Petition can be inspected by you on application at my office.

Dated at ..... this ..... day of ....., 19....

.....
Registrar.

No. 7

ORDER OF SUBSTITUTED SERVICE OF PETITION

(Title) (Form 1B)

Upon the application of ..... and upon reading the affidavit of ..... of ..... in the..... of ..... and the bankruptcy Petition filed the ..... day of ..... A.D., 19.....

It is ordered that the sending of a copy of the above-mentioned Petition, together with a copy of this order by registered post, addressed to ..... at ..... and/or the publication in the ..... Gazette and/or in the ..... newspapers of the presentation of such Petition and the time and place fixed for hearing the Petition shall be deemed to be good and sufficient service of the said Petition on the said .....

And that the costs of this application be.....

Bankruptcy Act—*continued*

No. 8

NOTICE BY DEBTOR OF INTENTION TO OPPOSE PETITION

(Title) (Form 1A)

I, the above ....., do hereby give you notice that I intend to oppose my being adjudged bankrupt and the making of a receiving order as prayed, and that I intend to dispute the petitioning creditor's debt (*or* the act of bankruptcy, *or* to contend that..... *or as the case may be*) (*specifying the statements in the Petition which he intends to deny or dispute*).

Dated at ..... this ..... day of

....., 19.....

.....
(Signature of debtor).

To .....
of ..... and to
..... and to the
Registrar in Bankruptcy of the said Court.

No. 9

ORDER TO STAY PROCEEDINGS ON PETITION

(Title) (Form 1B)

Upon the hearing of the bankruptcy Petition against.....
of ..... this day, and the said .....
appearing and denying that he is indebted to the petitioner (*when Petition presented by more than one creditor, add the name of the creditor whose debt is denied*) in the sum stated in the Petition (*or* alleging that he is indebted to the petitioner in a sum of a less amount than five hundred dollars ($500)) (*or* alleging that he is indebted to ....., one of the petitioners, in a sum less than the sum stated to be due from him in the Petition) it is ordered that the said ..... shall within.....
days enter into a bond in the penal sum of (*the amount of the alleged debt and probable costs or such other sum as the Court may direct*) with such sufficient surety or sureties as the Court shall approve of to pay (*or* deposit with the Registrar the sum of .....as security for the payment of) such sum or sums as shall be recovered against the said .....
by ....., the petitioner (*or* one of the petitioners), in any proceeding taken or continued by him against the said.....
together with such costs as shall be given by the Court in which the proceedings are had.

And it is further ordered that, upon the said .....
entering into the bond aforesaid with such surety or sureties, all proceedings on this Petition shall be stayed until after the Court in which the proceedings shall be taken shall have come to a decision thereon.

Bankruptcy Act—*continued*

No. 10

BOND ON STAY OF PROCEEDINGS, SECURITY, ETC.

(Title) (Form 1A)

of ....., and .....

of ....., and .....

of ....., and .....

of ....., (*or some guaranty company approved by Court*)

are jointly and severally held and firmly bound to.....

of ....., in the sum of .....

dollars to be paid to the said .....
or his certain attorney, executors, administrators or assigns. For which payment to be made we bind ourselves and each and every of us, our and each of our heirs, executors and administrators (*or* our successors and assigns) jointly and severally, firmly by these presents.

Sealed with our seals and dated at ..... this .....

..... day of..... one thousand nine hundred and

.....

Whereas a bankruptcy Petition against the said .....

having been presented to the..... Court of

....., he did appear at the hearing of the said Petition and deny that he was indebted to the petitioner (*or* to one or more of the petitioners) (*or* allege that he was indebted to the petitioner in the sum of.....

..... dollars only *or as the case may be*).

Now, therefore, the condition of this obligation is such that if the above-bounden

....., or the said .....

or ....., (*or* guaranty company) shall on demand

well and truly pay or cause to be paid to ....., his

attorney or agent, such sum or sums as shall be recovered against the said.....

..... by any proceedings taken or continued in any

competent Court by the said ..... for the payment of the debt claimed by him in the said Petition, together with such costs as shall be given to

the said .....by such Court (*or whatever the condition of the bond is*), this obligation shall be void, otherwise it shall remain in full force.

..... (L.S.)

..... (L.S.)

..... (L.S.)

(Signatures of sureties).

Signed, sealed and delivered by the above bounden in the presence of—

.....

(Signature of witness).

NOTE: If a deposit of money be made the memorandum should follow the terms of the conditions of the bond. This form may be adapted to other cases.

Bankruptcy Act—*continued*

No. 11

AFFIDAVIT OF JUSTIFICATION (*a*)

(Title) (Form 1A)

(*a*) This affidavit not necessary if surety is an approved guaranty company.

I, ..., of....., one of the sureties for ....., make oath and say:—

1. That I am a householder (*or as the case may be*) residing (*describing particularly the country or city, the street or place, and the number of the house, if any*).

2. That I am worth property to the amount of ..... (*the amount required*) over and above what will pay my just debts (*if security in any other action or for any other purpose, add,* and every other sum for which I am now security).

3. That I am not bail or security in any other matter, action or proceeding, or for any other person except for....., at the suit of ..... in the Court of .... in the sum of.....; for ....., at the suit of ....., in the Court of..... in the sum of..... (*specifying the several actions in which he has become bound*).

4. That my property, to the amount of the said sum of ..... (*and if security in any other action,* over and above all other sums for which I am now security) consists of (*here specify the nature and value of the property in respect of which the deponent proposes to become bondsman, as follows*: stock in trade, in my business of ..... carried on by me at..... of the value of .....; of good book debts owing to me to the amount of .....; of furniture in my house at ..... of the value of .....; of a freehold (*or* leasehold) farm of the value of ..... situate at .... occupied by .....; or of a dwelling-house of the value of ..... situate at ..... occupied by .....; or *of other property, particularizing each description of property with the value thereof*).

5. That I have for the last six months resided at .... (*describing the place of such residence or, if he has had more than one residence during that period, state it in the same manner as above directed*).

Sworn before me at the.....
..... of .....
in the Province of .....
.....
this .....day of
....., 19....

.....
(Signature of surety)

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of .....

Bankruptcy Act—*continued*

No. 12

DISMISSAL OF PETITION

(Title) (Form 1B)

Upon hearing the Petition of ..... filed the ..... day of ....., 19...., and upon reading ..... and hearing ..... It is ordered that the said Petition be dismissed (and that the petitioner do pay to the said ..... the taxed costs thereof).

Bankruptcy Act—*continued*

No. 13

RECEIVING ORDER

(Title) (Form 1B)

On the Petition of ....., of ...., a creditor, filed the (*insert date*)..... and on reading..... and hearing ..... and it appearing to the Court that the following act or acts of bankruptcy has or have been committed, viz:—(*set out the nature and date or dates of the act or acts of bankruptcy on which the order is made*).

1. It is ordered that the said ..... be and he is hereby adjudged bankrupt and a receiving order is hereby made against .....(*insert name, address and description of debtor as set out in Petition or proof to the Court*).

2. And it is further ordered that ....., of ....., be and he is hereby constituted custodian of the estate of the said debtor, he giving security for the proper performance of his duties in the sum of ..... pursuant to the Rules in that behalf.

3. And it is further ordered that the costs of and incidental to this Petition and order be paid the petitioner out of the assets of the estate forthwith after taxation thereof.

Endorsements on Order

You, ..., the within named debtor, are required to attend at the office of ....., the Official Receiver, at the Courthouse,..... Street, ..., immediately after the service of this order upon you, there to answer such questions with respect to your insolvency and assets as may be put by the said Official Receiver, and take notice that if you fail to present yourself for such examination within three days from the date of the making of the receiving order, the Court may by warrant cause you to be apprehended and brought up for examination and may order you to be committed to the common gaol for a term not exceeding twelve months.

.....
Official Receiver.

The name and address of the solicitor to the petitioning creditor are (*insert name and address*).

Or in the case of Corporation Debtors

You, ..., being the..... of the within named corporation debtor, are required pursuant to section 133 of The Bankruptcy Act to attend at the office of ....., the Official Receiver in and for Bankruptcy division No. ..... of the Bankruptcy district of the Province of ....., (*insert address*) ..... immediately after the service of this order upon you, there to answer such questions with respect to the causes of the insolvency of the aforesaid debtor and the disposition of its assets as may be put by the said Official Receiver, and take notice that if you fail to present yourself for such examination within three days from the date of the making of the receiving order, the Court may by warrant cause you to be apprehended and brought up for examination and may order you to be committed to the common gaol for a term not exceeding twelve months.

.....
Official Receiver

The name and address of the solicitor to the petitioning creditor are (*insert name and address*).

Bankruptcy Act—*continued*

No. 14

ORDER APPOINTING INTERIM RECEIVER

(Title) (Form 1B)

Upon the application of ....., upon reading the affidavit of ..... and the Petition herein with the affidavit in support thereto attached, and upon hearing what was alleged by counsel for the applicant, and the applicant undertaking to abide by any order this Court may make as to damages, in case it shall hereafter appear to the Court that the debtor has sustained any damages by reason of this order which the applicant ought to pay, and to be responsible for the proper performance of his duties by the interim receiver hereinafter named.

It is ordered that ....., of ....., in the Province of ....., be and he is hereby constituted interim receiver of the property of the said ..... and the said interim receiver is hereby directed to take immediate possession of the property (*or any particular part thereof*) of the said ..... and control receipts and disbursements thereof but otherwise shall not interfere with the debtor carrying on his business in the ordinary manner of trade until the hearing of the Petition herein or until this Court shall make further order.

No. 15

ORDER OF TRANSFER OF PROCEEDINGS

(Title) (Form 1B)

Upon the application of ..... and upon reading ..... and hearing ....., and it appearing to the Court that (*state here special reason or reasons why order is made*), that the proceedings in the above matter should be transferred from ..... to ..... (*or as the case may be*).

It is hereby ordered that the said proceedings in the above named matter be transferred from the above Court to the Court having jurisdiction for Bankruptcy division No. ..... of the Bankruptcy district of the Province of .....

Bankruptcy Act—*continued*

No. 16

ASSIGNMENT FOR THE GENERAL BENEFIT OF CREDITORS

THIS INDENTURE made in duplicate this ..... day of ....., A.D. 19....

IN PURSUANCE OF THE BANKRUPTCY ACT

BETWEEN .....
hereinafter called "the debtor" of the first part;

and

.....
hereinafter called "the trustee" of the second part.

Whereas the debtor is insolvent and desires to assign and abandon all his property for distribution among his creditors in pursuance of the said Act.

NOW THEREFORE THIS INDENTURE WITNESSETH that the debtor doth hereby assign, convey and assure unto ....., trustee, and to his successors and assigns forever, all his property which is divisible among his creditors under and by virtue of the said Act.

To have and to hold all the said property unto and to the use of the said trustee, his successors and assigns, on the trust and to and for the uses, intents and purposes provided by the said Act.

Signed and sealed at the City of ..... in the Province of ..... in the presence of .....

....(L.S.)
(Signature of witness) (Signature of debtor)

No. 16A

CERTIFICATE OF APPOINTMENT OF TRUSTEE

(Title) (Form 1)

I, ..., Official Receiver of Bankruptcy division No. ..... of the Bankruptcy district of the Province of ....., hereby certify that ....., of the ..... of ....., was at a meeting of the creditors held on the ..... day of ....., 19...., duly appointed trustee of the estate of ....., debtor.

.....
Official Receiver.

Bankruptcy Act—*continued*

No. 17

CERTIFICATE OF OFFICIAL RECEIVER OF AN APPOINTMENT OF CUSTODIAN

(Title) (Form 1A)

I, ..., Official Receiver of Bankruptcy division No. ..... of the Bankruptcy district of the Province of ....., do hereby certify that ....., of the ..... of ....., was on the ..... day of ....., 19....., duly appointed by me custodian of the estate of ....., debtor, pursuant to the provisions of section 9(5) of The Bankruptcy Act.

The said ..... is required within three days from the date hereof, pursuant to the provisions of Bankruptcy Rule 93, to deposit with me security for the proper performance of his duties in the sum of ..... dollars.

The said ..... is required pursuant to the provisions of section 34 of The Bankruptcy Act to take immediate possession of the books and all the property of the said ....., debtor, liable to seizure; and to remain in possession until a trustee is appointed.

The said ..... is required pursuant to the provisions of section 88 of The Bankruptcy Act within five days from this date to mail notices summoning a meeting of all the creditors of the said ....., debtor, which meeting shall be held at the office of ....., Official Receiver for Bankruptcy division No. ..... of the Bankruptcy district of the Province of ....., at ..... on the ..... day of ....., 19...., at ..... o'clock in the .....noon.

Dated at ..... this ..... day of ....., 19....

.....
Official Receiver.

Bankruptcy Act—*continued*

No. 18

AFFIDAVIT OF EXECUTION OF AUTHORIZED ASSIGNMENT

Canada
Province of
.....

I. .....,
of the ..... of .....
in the Province of .....

make oath and say:—

1. That I was present and saw the within Indenture and the duplicate thereof duly signed, sealed and executed by ..... at the ..... of ..... in the Province of .....

2. That I know the said ..... and that .... is (*or* are) of the full age of twenty-one years.

3. That I am a subscribing witness to the said Indenture and duplicate.

Sworn before me at the
..... of
.....
in the Province of .....
.....
this ..... day
of ....., 19....

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of.....

Bankruptcy Act—*continued*

No. 19

NOTICE TO CREDITORS OF FIRST MEEETING WHERE RECEIVING ORDER OR ASSIGNMENT MADE

(Title) (Form 1)

Notice is hereby given that (*a*)..... was adjudged bankrupt (*or* made an authorized assignment) on the ..... day of ....., 19....; and that the first meeting of creditors will be held on the ..... day of ....., 19...., at the hour of ..... o'clock in the.....noon, at ..... in the ..... of .....

(*a*) Insert name of debtor, his trade or occupation, and the locality in which debtor has carried on business or resides.

To vote thereat proofs of debt and proxies must be filed with me prior thereto.

Those having claims against the estate must file the same with the custodian or the trustee when appointed before distribution is made, otherwise the proceeds of the estate will be distributed among the parties entitled thereto, without regard to such claims.

Dated at ..... this ..... day of ....., 19....

Address of Custodian

.....

.....

Custodian.

NOTE: When mailing this notice to creditors a form of proof of debt and a form of proxy must be enclosed with each notice.

No. 19A

CAUTION UNDER SECTION 29A

(Title) (Form 1)

I, ..., of ....., being interested as custodian (*or* trustee) of the property of ...., a bankrupt (*or* authorized assignor), in the land registered in the name of the said ..... as ..... in the Register for ..... (*or* in the Charge registered as No. ..... in the name of the said..... ..... as owner and being on ..... in the Register for .....) (*or otherwise as the case may be*) require that no registration shall hereafter be made in respect of such land (*or* Charge) on behalf of the said registered owner unless this Caution is removed.

Notices of proceedings relating to the removal of this Caution may be served upon me at (*give city and street address*).

Dated at ..... this ..... day of....., 19....

.....

Custodian (*or* Trustee)

Bankruptcy Act—*continued*

No. 19B

AUTHORITY TO NOTIFY WITHDRAWAL OF CAUTION

(Title) (Form 1)

I, ..., of ....., being interested as the trustee in regard to registered Caution No. ..... in respect of the land registered as ..... in the Register for ..... (*or* in respect of a Charge registered as No. ..... and being on ..... in the Register for .....) (*or otherwise as the case may be*) hereby authorize the Master of Titles (*or* Registrar) to enter in the Register a withdrawal of the said Caution and to cancel and remove the same.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

No. 20

NOTICE TO CREDITORS WHERE DEBTOR SUBMITS OFFER OF COMPOSITION, EXTENSION OR SCHEME

(Title) (Form 1)

Take notice that ..... of the ..... of ..... in the Province of ..... has submitted to me for the consideration of his creditors a proposal for a composition (*or* extension of time for payment of his debts *or* scheme of arrangement).

Particulars of the debtor's proposal and a summary of his statement of affairs are enclosed herewith.

A general meeting of the creditors of the debtor will be held at ..... on the ..... day of ....., 19...., at the hour of ..... o'clock in the ..... noon.

The creditors qualified to vote at such meeting may by resolution passed by a majority of all the creditors and holding three-fourths in amount of all proved debts present in person or by proxy at such meeting accept the proposal made by the debtor either as made or as altered or modified at the request of the meeting. If so accepted and if approved by the Court such proposal shall be binding on all the creditors.

Proofs of debt, proxies and voting letters intended to be used at the meeting must be lodged with me prior thereto.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

NOTE: A form of proof of debt, a form of proxy and a voting letter should be enclosed with each notice.

Bankruptcy Act—*continued*

No. 21

VOTING LETTER

(Title) (Form 1)

I. ....., of ....., a creditor in the above matter for the sum of .... hereby request the trustee of the said estate to record my vote (*a*) ..... the acceptance of the proposal of the said debtor a copy of which is hereto annexed (*or as altered or modified at the request of the meeting*).

(*a*) Insert here the word "for" or the word "against" as the case may be.

Dated at ..... this ..... day of ....., 19....

....
(Signature of Witness). (Signature of Creditor).

No. 22

PROPOSAL FOR A COMPOSITION

(Title) (Form 1)

I, ..., the above named debtor, hereby submit the following proposal for a composition in satisfaction of my debts:—

1. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt (*or* authorized assignor) shall be provided for as follows:—

(Set out terms of proposal in respect of preferred claims.)

2. That provision for payment of all proper costs, charges and expenses of and incidental to the proceedings and all fees and percentages payable to the trustee shall be made in the following manner:—

(Set out terms of proposal in respect of fees, charges, costs, etc.)

3. That the following composition shall be paid as hereinafter mentioned on all provable debts:—

(Set out terms of composition.)

4. That the payment of the composition be secured in the following manner:—

(Set out full names and addresses of sureties (if any) and complete particulars of all securities intended to be given.)

Dated at ..... this ..... day of ....., 19....

.....
(Signature of debtor)

Bankruptcy Act—*continued*

No. 23

PROPOSAL FOR AN EXTENSION OF TIME OR SCHEME OF ARRANGEMENT

(Title) (Form 1)

I, ..., the above named debtor, hereby submit the following proposal for an extension of time from my creditors for payment of my debts (*or* for a scheme of arrangement of my affairs in satisfaction of my debts):

1. That .....

(Set out terms of extension or scheme.)

2. That payment in priority to all other of my debts of all debts directed to be so paid in the distribution of the property of a bankrupt (*or* authorized assignor) is provided for as follows:—

(Set out or indicate by reference to the extension or scheme how it is proposed to satisfy preferred claims.)

3. That payment of all the proper costs, charges and expenses of and incidental to the proceedings and all fees and percentages payable to the trustee is provided for as follows:—

(Set out or indicate by reference to the extension or scheme how it is proposed to provide for fees, costs, charges, etc.)

4. That the payment of the terms of the said extension (*or* scheme) is to be secured in the following manner:—

(Set out full names and addresses of sureties and give particulars of all securities.)

Dated at ..... this ..... day of

....., 19....

.....

(Signature of debtor)

Bankruptcy Act—*continued*

No. 24

RESOLUTION ACCEPTING COMPOSITION

(Title) (Form 1)

Resolution come to and proceedings had at a meeting of creditors held at ..... in the Province of ..... this ..... day of ....., 19....

Chairman: .....

Resolved (*a*) ..... as follows:—

(*a*) Insert "unanimously" where the resolution is so carried.

That the debtor's proposal for a composition as set forth in the annexed paper writing marked "A" be accepted.

.....

Chairman.

Number	Assenting Creditors' Signatures	Amount of Proof	Number	Dissenting Creditors' Signatures	Amount of Proof

NOTE: When a resolution is carried unanimously the creditors need not sign but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 25

RESOLUTION ACCEPTING EXTENSION OR SCHEME OF ARRANGEMENT

(Title) (Form 1)

Resolution come to and proceedings had at a meeting of creditors held at ..... in the Province of ..... this ..... day of ....., 19....

Chairman: .....

Resolved (*a*) ..... as follows:—

(*a*) Insert "unanimously" where the resolution is so carried.

That the debtor's proposal for an extension of time (*or* scheme of arrangement) as set forth in the paper writing hereto annexed and marked with the letter "A" be accepted.

.....

Chairman.

Number	Assenting Creditors' Signatures	Amount of Proof	Number	Dissenting Creditors' Signatures	Amount of Proof

NOTE: When a resolution is carried unanimously the creditors need not sign but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

Bankruptcy Act—*continued*

No. 26

ORDER APPOINTING DAY FOR HEARING

(Title) (Form 1B)

Upon the application of the trustee, ..., it is ordered that the application for the approval by the Court of the composition (*or* extension *or* scheme) in this matter shall be heard before me at my Chambers in the ..... of ..... in the Province of ..... on the ..... day of ....., 19...., at the hour of ..... o'clock in the ..... noon.

No. 27

NOTICE TO CREDITORS OF APPLICATION TO COURT TO APPROVE COMPOSITION, EXTENSION OR SCHEME

(Title) (Form 1A)

Take notice that application will be made to ..... in Chambers at ..... on the ..... day of ....., 19...., at ..... o'clock in the ..... noon, to approve the composition (*or* extension *or* scheme of arrangement) as proposed by the debtor and duly accepted by the statutory majority of creditors at a meeting held on ..... the ..... day of ....., 19....

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

Bankruptcy Act—*continued*

No. 28

REPORT TO THE COURT OF TRUSTEE ON PROPOSAL FOR COMPOSITION, EXTENSION OR SCHEME

(Title) (Form 1A)

I, ..., of ....., the trustee of the estate of ..... debtor, hereby respectfully report to the Court as follows:—

(1) That on the ..... day of ....., 19...., the said debtor did make an authorized assignment (*or* a receiving order was on the ..... day of ....., 19...., made against the said debtor.) That ..... was appointed custodian of the estate of the said debtor and that at a meeting of creditors duly held on the ..... day of ....., 19...., I was appointed trustee of the estate of the said debtor.

(2) That the above named debtor did on the..... day of ....., 19...., lodge with me a proposal for a composition (*or* extension *or* scheme) a true copy whereof appears as Exhibit A to this my report.

(3) That on the ..... day of ....., 19...., I did give due notice by registered mail to every known creditor (the names of whom and whose addresses are shown in Exhibit B to this my report) of the calling of a meeting of creditors to be held on the ..... day of ....., 19...., to consider the said proposal. With the said notice was included a condensed statement of the assets and liabilities of the debtor, a list of his creditors and a copy of his proposal. True copies of the said notice, condensed statement of assets and liabilities, and list of creditors are attached hereto and marked Exhibits C1, C2 and C3 to this my report.

(4) That prior to the said meeting I made detailed and careful inquiry into the liabilities of the said debtor, his assets and the value thereof, the causes of the bankruptcy of the said debtor and the conduct of the said debtor.

(5) That the said meeting of creditors was duly held on the..... day of ....., 19...., and was presided over by .....

(6) That the said proposal was accepted by the required majority of creditors (*or* that the said proposal was amended by ..... at the said meeting and as so amended was accepted by the required majority of creditors).

(7) That a true copy of the minutes of the said meeting is attached hereto and marked Exhibit D to this my report.

(8) That after hearing the discussion of the creditors at the said meeting and what was alleged by the debtor and after further inquiry I am now of the opinion that:—

(*a*) The assets of the debtor and the fair realizable value thereof are as follows:—

(*Here set out assets in detail, giving the value as carried on the books of the debtor and the trustee's estimate in each case of the realizable value thereof.*)

(*b*) The liabilities of the debtor are as follows:—

(*Here set out the liabilities.*)

(*c*) The causes of the bankruptcy of the debtor are as follows:—

(*Here set out fully the causes of the bankruptcy of the debtor as the trustee has been able to ascertain them after careful inquiry.*)

(*d*) The conduct of the debtor is subject to censure in the following respects (*or otherwise as the case may be, treating the matter fully.*)

(9) That I am of the opinion that the debtor's proposal is an advantageous one for the creditors (*or otherwise as the case may be, treating the matter fully*) for the following reasons:—

(*Here set out fully the reasons of the trustee.*)

Dated at ..... this ..... day of ....., 19....

.....

Trustee.

Bankruptcy Act—*continued*

No. 29

ORDER APPROVING COMPOSITION, EXTENSION OR SCHEME

(Title) (Form 1B)

On the application of the trustee, ..., and on reading the report of the trustee filed on the ..... day of ....., 19...., and hearing ....., and the Court being satisfied that the required majority of creditors under the said Act have duly accepted the composition (*or* extension *or* scheme) in the terms contained in the paper writing marked "A" annexed hereto and being satisfied that the said terms are reasonable and calculated to benefit the general body of creditors and that no facts have been proved which would justify the Court in withholding its approval, the said composition (*or* extension *or* scheme) is hereby approved.

No. 30

ORDER REFUSING TO APPROVE COMPOSITION, EXTENSION OR SCHEME

(Title) (Form 1B)

On the application of the trustee, ..., and on reading the report of the trustee filed on the ..... day of ....., 19...., and hearing ....., and the Court being satisfied that the required majority of creditors under the said Act have duly accepted the composition (*or* extension *or* scheme) in the terms contained in the paper writing marked "A" annexed hereto and being satisfied that the said terms are not reasonable or calculated to benefit the general body of creditors (*or* it being established that the debtor has committed the following offence mentioned in section 191 of the said Act .....) (*or* the Court being satisfied that the following fact mentioned in section 143 of the said Act has been proved against the debtor ....., and that the debtor's proposal does not provide reasonable security for the payment of fifty cents in the dollar on all unsecured debts provable against the debtor's estate) (*or* the Court being satisfied that the proposal does not provide for the payment of debts in the priority required by the said Act).

The Court doth refuse to approve the said composition (*or* extension *or* scheme).

Bankruptcy Act—*continued*

No. 31

RESOLUTION TO APPOINT NEW TRUSTEE

(Title) (Form 1)

Resolution come to and proceedings had at a meeting of creditors held at ..... in the ..... of ..... this ..... day of ....., 19....

Chairman: .....

Resolved (*a*) ..... as follows:—

(*a*) Insert "unanimously" where the resolution is so carried.

That (*b*) ....., of the ..... of ....., be hereby appointed as the trustee in the above estate for and in the place of ....., the trustee appointed by the creditors at their first meeting.

(*b*) Insert name of new trustee.

.....
Chairman.

Number	Assenting Creditors' Signatures	Amount of Proof	Number	Dissenting Creditors' Signatures	Amount of Proof

NOTE: When a resolution is carried unanimously the creditors need not sign but when a division is taken all creditors and holders of proxies voting should sign. The signatures must be attached at the meeting. Resolutions should be put separately.

No. 32

NOTICE OF APPOINTMENT OF NEW TRUSTEE

(Title) (Form 1)

Take notice that the undersigned has been appointed as the trustee of the above estate for and in place of ....., the trustee appointed by the creditors at their first meeting.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

Bankruptcy Act—*continued*

No. 33

AFFIDAVIT OF NEW TRUSTEE

(Title) (Form 1A)

(a) Insert name of new trustee.

I, (*a*) ....., of the ..... of ..... in the Province of ....., trustee, make oath and say:—

1. That pursuant to the provisions of section 37 (2) (*or* section 37(7)) of the said Act, I have been appointed as the trustee of the above estate for and in the place of ....., the trustee appointed at the first meeting of creditors (*or as the case may be*).

2. That hereto annexed and marked with the letter "A" is a true copy of the resolution of the creditors (*or* order of the Court) so appointing me trustee, which resolution was passed (*or* order was made) on the ..... day of ....., 19....

Sworn before me at the.....
of .....
in the Province of .....
this ..... day of.....
..... 19....

.....
Trustee.

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of .....

No. 34

FORM OF BOND OF TRUSTEE

(Title) (Form 1)

Know all men by these presents that I (*name and address of trustee*) and (*name of approved guaranty company*) are jointly and severally bound to the creditors of the estate of ....., bankrupt, and their and each of their heirs, executors, administrators and assigns in the sum of ..... dollars to be paid to the said creditors, for which payment well and truly to be made I, the said (*a*) ....., bind myself, my heirs, executors, administrators and assigns and the said (*b*) ..... binds itself, its successors and assigns, jointly and severally, firmly by these presents.

(a) Insert name of trustee.
(b) Insert name of guaranty company.

Sealed with my seal and the Corporate Seal of the said (*b*) .... and dated at ..... this ..... day of ....., 19....

Whereas the said (*a*) ..... is the trustee of the estate of ....., of ...., debtor, having been duly thereunto appointed by a resolution of the creditors passed at a meeting held the ..... day of ....., 19....

And whereas the estimated value of the estate of the said debtor as shown by the statement of affairs filed is the sum of .....

Now therefore the condition of this obligation is such that if the above bounden trustee do duly account and pay over and transfer all moneys and property received or to be received by him as trustee in respect of the estate of the debtor then this obligation shall be void, otherwise it shall remain in full force and effect.

Bankruptcy Act—*continued*

No 35

DEMAND BY TRUSTEE ON CONTRIBUTORY UNDER SEC. 71(1)

(Title) (Form 1)

It appears from the records of ....., the above named corporation, that you are a shareholder of such corporation and the amount unpaid on your shares of the capital of the said corporation is .....

I accordingly demand, pursuant to section 71 of The Bankruptcy Act, that you pay me, for the benefit of the estate of the corporation debtor, within thirty days from and after the date of the service of this demand on you (*or* the mailing of a copy of this demand in a registered prepaid letter addressed to you), the sum of ..... being the whole (*or* a certain proportion) of your liability in respect of your said shares.

I hereby notify you that unless payment is made, or notice given in writing to me disputing this demand, within thirty days, I will make an application to the Court *ex parte* for judgment against you and the Court may, pursuant to the provisions of section 71 of The Bankruptcy Act and General Rule 145, without notice to you, give judgment for the amount demanded or such amount as the Court finds justly owing and for the costs of the application.

I notify you further that if you propose to dispute liability you must do so within fifteen days from the service of this demand and you will not be permitted to plead any grounds of defence which are not notified to me within the said fifteen days.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

To .....
Contributory.

Bankruptcy Act—*continued*

No. 36

APPLICATION OF TRUSTEE FOR JUDGMENT AGAINST CONTRIBUTORIES OF INSOLVENT CORPORATION

(Title) (Form 1A)

The trustee reports to the Court:—

That a receiving order was made against the above named debtor on the .... day of ....., 19...., (*or* that the above named debtor made an authorized assignment on the..... day of..... ....., 19....).

That the debtor is a corporation and that the following persons (*among others*) appear to be contributories under The Bankruptcy Act, namely:—

(*Here give names and addresses of contributories against whom judgment is asked*)

That the trustee has demanded payment from each of the said contributories of the amount set opposite each of their respective names, namely:—

Name of Contributory	Amount Demanded
.....	.....
.....	.....
.....	.....

That the amounts so demanded are for the purpose of paying the liabilities of the debtor.

That none of the said contributories has paid the amount demanded, although more than thirty days have elapsed since each of the said contributories has been served with the demand, and evidence of such service is filed with this application.

That the following contributories have not disputed the said demand or any part thereof, namely:—

.....	.....
.....	.....
.....	.....

That the following contributories have disputed the said demand, namely:—

.....	.....
.....	.....
.....	.....

and a true copy of each notice of dispute given to the trustee is filed with this application.

The verified statement of affairs of the debtor, the trustee's estimate of the realizable value of the property of the debtor, and a list of proved or provable claims against the estate of the debtor so far as can be ascertained, are filed with this application.

The trustee accordingly, in pursuance of the said Act, makes application to the Court for judgment against each of the said contributories for the amount demanded from each thereof and the costs of this application or for such other order as the Court may deem advisable or expedient.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

Bankruptcy Act—*continued*

No. 37

APPLICATION OF CONTRIBUTORY TO ADJUST RIGHTS OF CONTRIBUTORIES

(Title) (Form 1A)

I, ..., of ....., do apply to this Court under the provisions of section 72(1) of The Bankruptcy Act to adjust the rights of the contributories of the above named debtor among themselves on the grounds set forth in the annexed affidavit.

Dated at ..... this ..... day of....., 19....

.....
(Signature of Contributory)

No. 38

AFFIDAVIT IN SUPPORT OF APPLICATION TO ADJUST RIGHTS OF CONTRIBUTORIES

(Title) (Form 1A)

I, ..., of the..... of ..... in the Province of ....., make oath and say:—

1. That a receiving order was made against the above named debtor on the ..... day of ....., 19...., (*or* that the above named debtor made an authorized assignment on the..... day of ....., 19....).

2. That the debtor is a corporation and that I am one of the contributories and pursuant to a demand made upon me by the trustee I did pay him on the..... ..... day of ....., 19...., the sum of ..... (*or* the trustee has made application to this Court for judgment against me for .....).

3. Set out in the Schedule hereto annexed marked "Schedule A" is a list of all the contributories of the said debtor with their addresses and the estimated amounts for which they are liable as contributories set opposite each respective name, so far as I have been able to ascertain the same.

4. That set out in the Schedule hereto annexed and marked "Schedule B" is a list of all the contributories from whom I claim contribution.

5. That my grounds for claiming such contribution are as follows (*here set out grounds and any pertinent facts*):—

SWORN before me at the ..... of ..... in the Province of..... this ..... day of ....., 19....

.....
(Signature of contributory).

.....
A Commissioner, etc., *or* A Notary Public in and for the Province of .....

Bankruptcy Act—*continued*

No. 39

NOTICE BY TRUSTEE TO CREDITORS OF APPLICATION TO PASS ACCOUNTS

(Title) (Form 1)

Take notice that:—

(1) The undersigned trustee of the estate of ....., debtor, is unable at the present time to declare a final dividend for the following reasons:— *(Here set out the reasons preventing the trustee from declaring a final dividend.)*

(2) The trustee estimates that he will be able to declare a final dividend in ..... months from this date.

(3) The said trustee will on the ..... day of ....., 19....., at the hour of ..... o'clock in the ..... noon apply to the Registrar in Bankruptcy at ..... to pass his accounts to date. Enclosed herewith is a complete and itemized statement of all moneys realized from or out of the property of the bankrupt or assignor and all moneys disbursed, including expenses incurred and remuneration received or claimed by the undersigned.

(4) All the property of the debtor has been sold or realized upon by the undersigned with the exception of the following:—*(Here give full particulars, description and value of all property not sold or realized upon and reasons why not sold).*

(5) You are at liberty to attend in person or by solicitor at the passing of the said accounts and to be heard in respect of the same.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

No. 40

APPLICATION OF THE TRUSTEE TO THE COURT TO PASS ACCOUNTS

(Title) (Form 1A)

The undersigned trustee hereby applies to the Court for the passing of his accounts to date.

(1) The trustee is unable at the present time to declare a final dividend for the following reasons:—*(Here set out the reasons preventing the trustee from declaring a final dividend.)*

(2) The trustee estimates that he will be able to declare a final dividend in ..... months from this date. Attached hereto and marked with the letter "A" is a complete and itemized statement of all moneys realized from or out of the property of the bankrupt or assignor and of all moneys disbursed, including expenses incurred and remuneration received or claimed by the undersigned.

(3) All the property of the bankrupt or assignor has been sold or realized upon by the undersigned with the exception of the following:—*(Here give full particulars, description and value of all property not sold or realized upon and reasons why not sold.)*

(4) Notices in the form attached hereto and marked with the letter "B" were on the ..... day of ....., 19...., mailed to all creditors of the debtor.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

Bankruptcy Act—*continued*

No. 41

NOTICE TO PERSONS CLAIMING TO BE CREDITORS OF INTENTION TO DECLARE DIVIDEND (OR FINAL DIVIDEND) AND REQUIRING THEM TO ESTABLISH CLAIMS

(Title) (Form 1)

Take notice that a dividend (*or* final dividend) is intended to be declared in the above matter and that if you do not prove your claim on or before the ..... day of ....., 19...., or within such further time as the Court may allow, I shall proceed to make a dividend (*or* final dividend) without regard to such claim.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

No. 42

NOTICE TO BE SENT TO EVERY CREDITOR OF FINAL DIVIDEND AND APPLICATION FOR DISCHARGE OF TRUSTEE

(Title) (Form 1)

1. A final dividend sheet has been prepared. There is enclosed herewith (*a*) a copy of the dividend sheet with notice thereon of the claims objected to and whether any reservation has been made therefor. (*b*) An abstract of the receipts and expenditures of the trustee which abstract indicates what amount of interest has been received by the trustee for moneys in his hands.

2. After the expiry of fifteen days from the date of the mailing of this notice, dividends on all claims not objected to up to the time of payment will be paid.

3. That the undersigned trustee of the property of the debtor will apply to the Registrar in Bankruptcy at ..... on the ..... day of ....., 19...., at the hour of ..... o'clock in the ..... noon or so soon thereafter as the motion can be heard for an order fully discharging him from any further duties and obligations with respect to the above estate and for a release of the security provided by the undersigned.

And further take notice that any objection you may have to the granting of the discharge of the undersigned must be filed with the Registrar at least two days prior to the date of hearing together with your reasons therefor and a copy thereof served on the undersigned within the time aforesaid.

Dated at ..... this ..... day of ....., 19....

.....
Trustee.

Bankruptcy Act—*continued*

No. 43

APPLICATION OF TRUSTEE FOR HIS DISCHARGE

(Title) (Form 1A)

The undersigned trustee hereby applies to the Court for an order fully (*or* partially) discharging him from the performance of any further duties and obligations with respect to the above estate and for a release of the special security provided by the undersigned.

Attached hereto is a complete and itemized statement of all moneys realized by the undersigned from or out of the property of the bankrupt or assignor and of all moneys disbursed including expenses incurred and remuneration received or claimed by the undersigned.

All of the property of the bankrupt or assignor has been sold or realized upon by the undersigned, with the exception of the following:—

(*Here give full particulars, description and value of all property not sold or realized upon and reasons why not sold.*)

There are no disputes, actions or proceedings unsettled or pending between the trustee and the debtor or any creditor or creditors of the estate or any other persons whatsoever except the following:—

(*Here give particulars of matters pending, if any.*)

Dated at ..... this .....

day of....., 19....

.....

Trustee.

Bankruptcy Act—*continued*

No. 44

AFFIDAVIT VERIFYING APPLICATION OF TRUSTEE FOR HIS DISCHARGE

(Title) (Form 1A)

I, ..., the trustee named in the application hereto annexed, make oath and say:—

That the several statements in the said application are within my own knowledge true.

That the statement of receipts and disbursements attached to the said application and marked "Exhibit A" hereto is an accurate and correct statement of the administration of the above mentioned estate.

That all the assets disposed of which came into my hands have been realized upon in a proper manner and have not otherwise been improperly disposed of to the best of my knowledge and belief.

That all claims filed were properly examined and that to the best of my knowledge and belief, except where disputed claims were compromised or otherwise allowed by the inspectors, the dividend sheet hereto attached and marked "Exhibit B" contains a true and correct list of the claims of creditors entitled to share in the estate and that all payments shown on the said dividend sheet have been duly made.

That every disbursement in the said statement was a proper and correct one to be made.

That I have not received, nor do I hope nor expect to receive, nor have I been promised any other consideration or remuneration than as appears in the said statement.

That I have not been a party to nor have I any knowledge of any undisclosed arrangement with the debtor or with any other person, wherein any creditor received any consideration or payment in excess of that to which he was properly entitled out of the assets or proceeds of the estate.

That notice in writing of this application has been sent by registered mail to the debtor, to each of the creditors and to the Superintendent of Bankruptcy at least ten days prior to the date fixed for the hearing of this application as required by General Rule 125.

SWORN before me at the.....
of .....
in the Province of .....
this ..... day of .....
....., 19....

.....
Trustee.

.....
A Commissioner, etc., *or* a Notary Public
in and for the Province of .....

Bankruptcy Act—*continued*

No. 45

ORDER DISCHARGING TRUSTEE

(Title) (Form 1B)

(*a*) Insert name of trustee.
(*b*) Insert name of debtor.

Upon the application of (*a*) ....., trustee of the property of (*b*) ....., bankrupt (*or* authorized assignor, *as the case may be*); upon reading the application of the said trustee and exhibits thereto filed; upon hearing what was alleged by counsel for the said trustee, and upon the said trustee (*a*)....., by his counsel, undertaking to forward to the Dominion Statistician a copy of the order of this Court made on any application for the discharge of the bankrupt (*or* authorized assignor) if and when the same is made, and further undertaking to keep all books and papers as provided by Rule 128 of the General Rules under The Bankruptcy Act, and no one appearing for the debtor or any creditor although duly notified.

It is ordered that the said trustee be and he is hereby fully discharged from the performance of any further duties and obligations with respect to the said estate and that the bond given by the trustee as security herein be and the same is hereby released.

No. 46

GENERAL PROXY

(Title) (Form 1)

I (*or* We), ..., of the ..... of ....., a creditor (*or* creditors), hereby appoint ..... of the ..... of ..... to be my (*or* our) general proxy in the above matter (excepting only as to the receipt of dividends).

Dated at ..... this ..... day of ....., 19....

....
(Signature of witness) (Signature(s) of creditor(s))

Bankruptcy Act—*continued*

No. 47

SPECIAL PROXY

(Title) (Form 1)

I (*or* We), ..., of the ..... of ....., a creditor (*or* creditors), hereby appoint ..... of the ..... of ..... as my (*or* our) proxy at the meeting of creditors to be held on the ..... day of ....., 19...., or any adjournment thereof.

Dated at ..... this ..... day of ....., 19....

....
(Signature of witness.) (Signature(s) of creditor(s))

No. 48

PROOF OF DEBT

(Title) (Form 1)

I, ..., of the..... of ..... in the Province of ..... do solemnly declare and say:—

1. That I am a creditor of the above debtor (*or* the ..... of the undermentioned creditor) and have knowledge of all the circumstances connected with the debt hereinafter referred to.

2. That the said ..... was at the date of the authorized assignment (*or* receiving order) namely, the ..... day of ....., 19...., and still is justly and truly indebted to ..... in the sum of ..... as shown by the statement of account hereto annexed and marked "A", (*a*)

3. That I have not (*or* the said ..... has not), nor has any person by my (*or* his) order to my knowledge or belief for my (*or* his) use, had or received any manner of satisfaction or security whatsoever save and except the following:— (*b*)

AND I MAKE this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

(*a*) The attached statement of account must show the consideration such as "for goods sold and delivered" or "moneys lent".

(*b*) Here give particulars of all securities held. Where the securities are on the property of the debtor assess the value of each and specify dates when given.

Declared before me at the ..... of ..... in the Province of ..... this ..... day of ....., 19....

.....
(Signature of creditor)
(*or as the case may be*)

.....
A Commissioner, etc., *or* A Notary Public in and for the Province of .....

Bankruptcy Act—*continued*

No. 49

PROOF OF DEBT OF WORKMEN OR OTHERS

(Title) (Form 1)

I, ..., of the ..... of .....,

DO SOLEMNLY DECLARE AND SAY:—

1. That I was the foreman (*or* book-keeper *or as the case may be*) of the above named debtor at the date of the receiving order (*or* at the date of the authorized assignment) namely, the ..... day of ....., 19...., and I have knowledge of the facts and matters hereinafter referred to.

2. That the said debtor was at the said date and still is justly and truly indebted to the several persons whose names, addresses and descriptions appear in the schedule endorsed hereon in the sums severally set against their names in the sixth column of such schedule for wages due to them respectively as workmen or employees in the employ of the said debtor in respect of services rendered by them respectively to the debtor during such period before the date of the receiving order (*or* authorized assignment) as are set out against their respective names in the fifth column of such schedule for which said sums, or any part thereof, I say that they have not, nor has any of them, had or received any manner of satisfaction or security whatsoever.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the.....
of ..... in the Province
of ..... this .....
day of ....., 19....

.....
(Signature of declarant)

.....
A Commissioner, etc., *or* a Notary Public
in and for the Province of .....

SCHEDULE

1 No.	2 Full Name of Workman	3 Address	4 Description	5 Period over which Wages Due	6 Amount Due

Bankruptcy Act—*continued*

No. 50

QUESTIONS TO BE PUT TO THE DEBTOR BY THE OFFICIAL RECEIVER

(Title) (Form 1)

NOTE.—In the case of a corporation debtor, the questions marked with an asterisk should be answered in addition to all other questions.

1. What is your full name and age?

2 What is your occupation, trade or business?

3. (*a*) Where do you now reside?

(*b*) Where have you resided during the last six years or during the period in which your present debts have been contracted?

4. (*a*) Where do you carry on business?

(*b*) Under what name?

(*c*) When did you commence such business?

(*d*) What capital (if any) had you at that time after providing for any debts you then had, and of what did such capital consist?

If any of your capital was borrowed, give particulars.

(*e*) Have you personally superintended your business or delegated that duty to others?

5. (*a*) Have you had any other occupation or been engaged in any other business during the last six years?

If so, give particulars of date, place and nature of same.

(*b*) Have you carried on business under any name or style other than your own name?

If so, give particulars.

6 (*a*) Have you been in partnership with any one during the last six years?

If so, when did it commence, with whom, under what name, and in what business?

(*b*) Have any changes since taken place in the constitution of the firm?

If so, state particulars.

(*c*) What capital did you put into the business, and what is now your interest in the partnership?

(*d*) If the partnership has determined, when was it dissolved, and upon what terms?

(*e*) Was the dissolution filed or gazetted?

(*f*) Are you under any liability in respect of outstanding debts of the partnership?

If so, state particulars.

7. Have you individually, or as a member of a firm, previously been bankrupt or insolvent, made any assignment for the benefit of your creditors, or effected any statutory or other composition?

If so, give particulars.

8. (*a*) Has any meeting of your creditors been held within the past three months?

If so, by whom summoned, and in what manner? (If by notice, produce copy.)

(*b*) Was a statement of affairs presented to such meeting?

(*c*) Has any money been paid out of your estate in connection therewith; if so, when and to whom?

(*d*) What proposal was made to the creditors?

(*e*) What was the result?

9. Have you any files or bundles of paid and unpaid invoices or accounts?

If so, where are they?

10. (*a*) What money had you in your possession or under your control at the date of the authorized assignment or receiving order?

(*b*) Had you at the date aforesaid in your possession or under your control any jewellery, deeds, leases, bonds, share certificates, policies, agreements, bills of exchange, promissory notes, bills of lading, dock warrants, delivery orders, or other documents of title or securities of any description?

If so, give particulars.

Bankruptcy Act—*continued*

11. (*a*) Have you had any account in your own name or in that of any person on your behalf at any time during the last three years at any bank? ..... or post office? .....

If so, what is the present state of your account with such bank or post office?

(*b*) Where are the pass books?

12. In what Courts (if any) have you sued book debtors from whom amounts are still due you?

13. Are the above assets, where insurable, fully insured against loss by fire?

If so, in what office? .....

To what date? .....

14. Have you any property or interest in any property in reversion, remainder or expectancy under any will, settlement, or otherwise?

If so, give particulars.

15. Do you hold any property in trust for any person?

If so, state for whom and the nature and estimated value of the property.

16. (*a*) Is your life insured?

If so, in what company or companies, and for what sum or sums?

(*b*) When were the policies effected?

(*c*) What is the annual premium upon each policy, and when is it payable?

(*d*) Are there any loans against the policies?

If so, of what amounts and when effected?

(*e*) Are the policies in your possession?

If not, who holds them, and what claim, charge or lien has the holder upon them?

(*f*) When were the beneficiaries named and notice thereof given to the company or companies?

(*g*) Is there any policy on the life of your wife or of any person in which you have any interest?

If so, state particulars.

17. (*a*) What tenancy have you in your dwelling-house? .....

Your business premises? .....

(*b*) Who is respectively the landlord of the same, and what is his address?

(*c*) What rent is now due and distrainable?

(*d*) When did such rent become due?

(*e*) Has any distress been levied for it?

(*f*) If your wife or some other person is tenant of the dwelling-house or place of business used by you, explain under what circumstances such is the case.

18. (*a*) Do you let any premises or any portion of any premises of which you are owner, tenant or lessee?

If so, to whom, and upon what terms?

(*b*) What is the rent, and is any part of it owing?

19. Have you entered into any contracts for the purchase of land, or any other contracts which are not completed?

20. Are you interested in any freehold property or in any leasehold property other than that already mentioned, either as owner, lessor, mortgagor or otherwise?

If so, state particulars.

21 Give particulars of any taxes now owing by you in respect of your dwelling-house and business premises or of any other property in which you have an interest.

22. Have you or has any other person on your behalf within the last three months paid any money or delivered any property to any other person other than in the ordinary course of your business?

If so, give names and addresses and state when and for what purpose?

23. (*a*) Have you executed any bill of sale or chattel mortgage of your stock-in-trade, furniture or other personal effects?

If so, at what date?

To whom?

(*b*) What is the consideration stated in the bill of sale or chattel mortgage?

(*c*) What did you actually receive at the time of its execution?

Bankruptcy Act—*continued*

(*d*) What is the nature of the property covered by the bill of sale or chattel mortgage?

Where is the property situated?

(*e*) Is the bill of sale or chattel mortgage registered?

(*f*) Had the goods comprised therein been paid for before the bill of sale or chattel mortgage was executed?

(*g*) How did you apply the money received by you?

(*h*) Does your cash book show such receipt and application?

(*i*) What portion of the principal have you repaid?

(*j*) What amount is now due and owing in respect of the bill of sale or chattel mortgage?

(*k*) Has possession been taken by the holder or anyone on his behalf?

If so, when?

(*l*) Is the holder related to you in any way?

(*m*) Are there now in your possession any goods that were not comprised in such bill of sale or chattel mortgage or that have been acquired since the date thereof?

24. (*a*) Have you made, or were you a party to, any marriage settlement or post-nuptial or other settlement of property within the last five years?

If so, what property was comprised therein, and how and when did you acquire it?

(*b*) Give the dates of your marriage and of the settlement.

(*c*) Who are the trustees of the settlement?

(*d*) What interest in such property is reserved to yourself?

25. Have you within the last twelve months sold, removed or disposed of any portion of your stock, furniture or effects, otherwise than in the ordinary course of your business?

If so, state the date of such sale, removal or disposal, the name of the purchaser and the amount realized or, if removed, the place to which such goods were removed.

26. (*a*) Have you within the last twelve months pledged any stock-in-trade or other personal property?

If so, give particulars as to dates, property pledged and amount obtained thereby.

(*b*) Where are the tickets now?

(*c*) Was the property paid for?

If not, from whom had you obtained it?

27. Was any petition in bankruptcy presented against you during the three months preceding the date of the act of bankruptcy on which the present receiving order was made?

If so, state particulars, and whether any payments were made by you with a view to obtaining the dismissal of the petition or the postponement of the making of a receiving order.

28. Have you incurred any losses other than losses in your own trade or business, such as by speculation on stocks or shares, or by betting or gambling?

If so, give details thereof.

29. Have you any property which will deteriorate in value if not realized until after the first meeting of creditors?

If so, give particulars and reasons.

30. Have you made a full disclosure, so far as you know, of the whole of your estate and effects?

31. What are the causes of your insolvency?

32. (*a*) As regards books of account:—

(i) Have you kept a cash book?

Does it contain a full and true account of (1) all your receipts in cheques and cash; (2) all your payments by cheques and cash?

What period does it cover?

(ii) Have you kept a ledger showing your accounts (1) with all your debtors, and (2) with your creditors?

Bankruptcy Act—*continued*

(iii) What other books have you kept?
(iv) To what date are your books posted?
(v) Do they contain (1) a capital account; (2) a trading account; (3) a profit and loss account?
(vi) Are your trade expenses and drawings for household and personal expenses posted to the respective ledger accounts?
Have they been balanced at any time during the last three years? If so, when?

(*b*) Have any balance sheets been made out during the last three years?
When was the last made out?
Where is it and what results does it show?

(*c*) Have you from time to time taken stock? If so, where are the stock sheets?

(*d*) Have you within the last three years destroyed any book, papers or documents relating to your affairs?
If so, state the circumstances.

(*e*) Have you at any time during the last three years made out a statement of your assets and liabilities?
If so, at what dates and where are such statements?

33. When did you first become aware that you had not sufficient property to pay all your debts in full?

34. Have you contracted any debts since that time which are now owing?
If so, to whom?

35. Have you made any payments or given any security to any of your creditors other than in the ordinary course of business during the last three months, or since you knew yourself to be insolvent, or found you were unable to pay your debts as they became due out of your own money?
If so, state the names of such creditors, and the amounts paid, or the security given them.
Do your books show these transactions?

36. (*a*) What has been the amount of your income or profits for each of the past three years?
(*b*) From what sources has it been derived?

37. (*a*) How much have you drawn from your business for household and personal expenses each year for the past three years?
(*b*) Does your cash book show all your drawings?

*38. (*a*) Upon what date were you incorporated?
(*b*) Under what law (*or* Act of Parliament)?
(*c*) Have you the Letters Patent (*or other instrument of incorporation*), the by-laws, the incorporation and other minutes of the debtor?
Where are they?

*39. (*a*) Have you a share register or other book containing particulars of shares?
Where is it?
(*b*) Does it contain a full and true record of the allotment, issue and transfer of all shares?
(*c*) Does it contain a true record of all those who are or have been shareholders in the corporation?
(*d*) Does it disclose the true amount paid on each share of the corporation whether by cash or otherwise?
If not, what records, if any, of the corporation do disclose the amounts so paid?
(*e*) What is the total amount, if any, unpaid on the shares of the debtor?

I, ..., of the ..... of ..... in the Province of ....., make oath and say:—

I am the above named debtor (*or* the president *or* ..... of the above named debtor).

Bankruptcy Act—*continued*

That the answers made to the afore-mentioned questions numbered 1 to 39 have been made by me and that the said answers are true in every respect and give a correct account and full disclosures of all my assets (*or* all the assets of the above named debtor), whether within Canada or elsewhere.

SWORN before me at the.....
of ..... in the Province
of ..... this
..... day of ....., 19....

.....
(Signature of debtor)
(*or as the case may be*)

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of .....

No. 51

FORM OF BOND WHERE CUSTODIAN IS REQUIRED TO DEPOSIT BOND FOR THE PERFORMANCE OF HIS DUTIES

(Title) (Form 1)

KNOW ALL MEN BY THESE PRESENTS, that we (*name and address of custodian*) and (*name and description of guarantor, if guarantor required*) are jointly and severally held and firmly bound to ....., Official Receiver for Bankruptcy division No. ..... of the Bankruptcy district of the Province of ....., and to his successor or successors in office, in the sum of ..... dollars, to be paid to the said Official Receiver, or to his successor or successors in office, for the account of the estate of the debtor, for which payment well and truly to be made we bind ourselves, and each and every of us, our and each of or heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

Sealed with our seal and dated at ..... this ..... day of ....., 19....

WHEREAS the said (*name of custodian*) is the custodian of the estate of ....., debtor, of ....., having been thereunto duly appointed by ..... of the ..... bearing date of the ..... day of ....., 19....

AND WHEREAS the estimated value of the estate of the said debtor as shown by the statement of affairs filed herein is the sum of .....

NOW THEREFORE the condition of this obligation is such that if the above bounden custodian do properly take possession of and preserve the books and all the property of the above named debtor and do duly account for and pay over and transfer all moneys and properties received or to be received by him as custodian in respect of the estate of the said debtor, then this obligation shall be void; otherwise it shall remain in full force and effect.

Bankruptcy Act—*continued*

No. 52

NOTICE OF DISALLOWANCE OF CLAIM

(Title) (Form 1)

Take notice that, as trustee of the above estate, I have this day disallowed your claim against such estate (to the extent of $.....) (*a*) on the following grounds:—(*Here set out the reasons for disallowance.*)

(*a*) If proof wholly rejected strike out the words in brackets.

And further take notice that if you are dissatisfied with my decision in respect of your claim you may apply to the Court to reverse or vary the same, but, subject to the power of the Court to extend the time, no application to revise or vary my decision in disallowing your claim will be entertained after the expiration of thirty days from this date.

Dated at the ..... of .....

this ..... day of ..... 19....

.....
Trustee.

No. 53

PRELIMINARY SHORT STATEMENT OF AFFAIRS UNDER SECTION 9

(Title) (Form 1)

To the debtor:—

You are required to complete this form carefully and accurately, answering the questions therein set out to the best of your ability.

1. Give the names, addresses and amounts of the claims of your creditors.

Name	*Address*	*Amount*
.....	.....	.....
.....	.....	.....
.....	.....	.....

Are any of the above creditors secured creditors?

If so, indicate which creditors are secured creditors and the nature and value of their security.

Which are your six principal unsecured trade creditors?

Were the debts of the principal unsecured trade creditors whom you have named incurred in the ordinary course of business?

Have you preferred or made any payment to any of the said principal unsecured trade creditors within the last three months?

If so, give particulars.

2. What is the fair market value of your stock in trade at cost price?

Is there any encumbrance or lien against it or any part thereof?

If so, give particulars.

3. What is the fair value of your trade fixtures?

Are they free from encumbrance or lien?

If not, give particulars.

4. What is the amount of book debts owing to you and what proportion of this sum should be collectible?

5. What cash have you in the bank?

Give name of the bank or banks.

Bankruptcy Act—*continued*

6. What cash have you on hand?

7. What cattle, horses or farming stock do you own and what is the fair value of same, less any encumbrances?

Give particulars of encumbrances?

8. What is the fair value of your machinery, equipment and plant, less any encumbrances?

Give particulars of encumbrances.

9. What is the fair value of your real estate, less encumbrances?

Give particulars of encumbrances.

10. What other property have you of value? (stocks, bonds, jewellery, promissory notes, etc.)

Give sufficient particulars of all such property to enable it to be identified and give particulars of any encumbrances.

11. Are you entitled to or have you any interest in any other property?

(*a*) Jointly or in common with any other person or persons?
(*b*) Under any will?
(*c*) Under any marriage or other settlement?
(*d*) In any other way?

I, ..., of the ..... of ..... in the Province of ..... make oath and say that the above statement gives to the best of my knowledge and belief a full, true and complete statement of my affairs on this..... day of ....., 19...., and fully discloses all my property of every description in possession and reversion as defined by section 23 of The Bankruptcy Act.

SWORN before me at the .....
of ..... in the Province of .....
..... this .....
day of ....., 19....

.....
(Signature of debtor).

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of .....

No. 54.

STATEMENT OF AFFAIRS

(Title) (Form 1)

To the debtor:—

You are required to complete carefully and accurately this sheet and such of the several sheets attached hereto as are applicable showing the state of your affairs on the day on which the receiving order was made against you (*or* the authorized assignment was made by you) viz.: the.....day of....., 19.... Such sheets when completed will constitute your Statement of Affairs and must be verified by oath or declaration.

LIABILITIES

(as stated and estimated by debtor.)

1. Unsecured creditors as per List "A"..... $.....
2. Secured creditors as per List "B"..... $.....
   Less estimated value of securities..... $.....

   Expected to rank for..... $.....
3. Liabilities on bills or notes endorsed or given for accommodation as per List "C"..... $.....
   Of which it is expected will rank against the estate for dividend $.....
4. Preferred creditors as per List "D"..... $.....
5. Contingent or other liabilities as per List "E" estimated to rank for..... $.....

   Total liabilities..... $.....
   Surplus..... $.....

I,....., of the.....of..... in the Province of....., make oath and say that the above statement and the several Lists hereunto annexed and marked "A" to "H" inclusively are to the best of my knowledge and belief a full, true and complete statement of my affairs on the.....day of....., 19...., and fully disclose all my property of every description in possession and in reversion as defined by section 23 of The Bankruptcy Act.

SWORN before me at the.....
.....of.....
in the Province of.....
this.....day of....., 19.....

.....
(Signature of Debtor)

.....
A Commissioner, etc., *or* A Notary Public in and for the Province of.....

ASSETS

(as stated and estimated by debtor.)

(*a*) Stock in trade at cost price not exceeding fair market value.. $.....
(*b*) Trade fixtures, fittings, utensils, etc..... $.....
(*c*) Book debts, etc., as per List "F"
   Good..... $.....
   Doubtful..... $.....
   Bad..... $.....

   Estimated to produce..... $.....
(*d*) Bills of exchange, promissory notes, etc., as per List "F 1"... $.....
(*e*) Cash in Bank of..... $.....
(*f*) Cash on hand..... $.....
(*g*) Farming stock..... $.....
(*h*) Machinery, equipment and plant..... $.....
(*i*) Real estate as per List "G"..... $.....
(*j*) Surplus from securities in hands of creditors fully secured..... $.....
(*k*) Furniture..... $.....
(*l*) Life policies..... $.....
(*m*) Stocks and shares..... $.....
(*n*) Reversionary or other interests under wills..... $.....
(*o*) Other property, viz.:—
   ..... $.....
   ..... $..... $.....

If debtor is a corporation, add:—
   Amount of capital subscribed..... $.....
   Amount paid thereon..... $.....

   Balance subscribed and unpaid..... $.....

   Total assets..... $.....
   Deficiency..... $.....

Bankruptcy Act—*continued*

"A"

UNSECURED CREDITORS

(The names to be arranged in alphabetical order and numbered consecutively.)

No.	Name	Address	Amount of Claim

Signature of debtor.....

Dated....., 19.....

"B"

SECURED CREDITORS

No.	Name of Creditor	Address	Amount of Claim	Particulars of Security	When Given	Estimated Value of Security	Estimated Surplus from Security	Balance of Claim Unsecured

Signature of debtor.....

Dated....., 19 .....

Bankruptcy Act—*continued*

"C"

LIABILITIES ON BILLS OR NOTES ENDORSED OR GIVEN FOR ACCOMMODATION

No.	Name of Acceptor or Maker	Address	Date when Due	Amount	Holder's Name and Address	Amount expected to Rank against Estate for Dividend

Signature of debtor.....

Dated....., 19.....

"D"

PREFERRED CREDITORS FOR WAGES, RENT, ETC.

No.	Name of Creditor	Address and Occupation	Nature of Claim	Period during which Claim Accrued	Amount of Claim	Amount Payable in full	Difference Ranking for Dividend

Signature of debtor.....

Dated.....,19.....

Bankruptcy Act—*continued*

"E"

CONTINGENT OR OTHER LIABILITIES

(Full particulars of all liabilities not otherwise scheduled to be given here.)

No.	Name of Creditor or Claimant	Address and Occupation	Amount of Liability or Claim	Amount expected to Rank for Dividend		Date when Liability Incurred		Nature of Liability
				$	c.	Month	Year	

Signature of debtor.....

Dated....., 19....

"F"

DEBTS DUE TO THE ESTATE, INCLUDING BOOK DEBTS

No.	Name of Debtor	Address and Occupation	Nature of Debt	Amount of Debt			Folio of Ledger or other Book where particulars to be found	When Contracted		Estimated to Produce	Particulars of any Securities held for Debt
				Good	Doubtful	Bad		Month	Year		

Signature of debtor.....

Dated....., 19....

Bankruptcy Act—*continued*

"F 1"

BILLS OF EXCHANGE, PROMISSORY NOTES, LIEN NOTES, CHATTEL MORTGAGES, ETC., AVAILABLE AS ASSETS

No.	Names of all Promissors, Acceptors, Endorsers, Mortgagors, and Guarantors	Addresses	Occupations	Amount of Bill or Note, etc.	Date when Due	Estimated to Produce	Particulars of any property held as Security for payment of Bill or Note, etc.

Signature of debtor.....

Dated....., 19....

"G"

REAL ESTATE OR IMMOVABLE PROPERTY OWNED BY DEBTOR

Description of Property	Nature of Debtor's Interest	In whose Name does Title Stand	Total Value	Particulars of Mortgages, Hypothecs or other Encumbrances			Equity or Surplus
				Name	Address	Amount	

Signature of debtor.....

Dated....., 19....

Bankruptcy Act—*continued*

"H"

PROPERTY

NOTE.—Full particulars of every description of property in possession and in reversion as defined by Section 23 of the Act, not included in any other list, are to be set forth in this list.

FULL STATEMENT AND NATURE OF PROPERTY

Nature of Property	Location	Details of Property	Original Cost	Estimated to Produce	
				$	c.
(a) Stock in trade at cost price not exceeding fair market value.....					
(b) Trade fixtures, fittings, utensils, etc.....					
(c) Cash in Bank of.....at.....					
(d) Cash on hand.....					
(e) Farming stock at.....					
(f) Machinery, equipment and plant at.....					
(g) Household furniture and effects at.....					
(h) Life policies.....					
(i) Stocks and shares.....					
(j) Reversionary or other interests under wills, etc.....					
(k) Other property (state particulars), viz....					

Signature of debtor.....

Dated....., 19....

No. 55

NOTICE TO DEBTOR OF MEETING OF CREDITORS

(Title) (Form 1)

Take notice that a meeting of your creditors will be held on the .....

..... day of ....., 19...., at the hour of

..... o'clock in the .....noon at .....

and that you are required to attend thereat and submit to such examination and give such information as the meeting may require.

And further take notice that if you fail to comply with the requirements of this notice you will be guilty of contempt of court and may be punished accordingly.

Dated at ..... this ..... day of

....., 19....

.....
Trustee.

To

.....
The above named debtor.

Bankruptcy Act—*continued*

No. 56

AFFIDAVIT OF PERSON IN SUPPORT OF ORDER OF COMMITTAL

(Title) (Form 1A)

I, ..., of the ..... of.... ....., make oath and say:—

1. That ..... of ..... was at the order of this Court made on ..... the ..... day of ....., 19...., ordered to

(Here set out the terms of the order.)

2. That a copy of the said order was duly served on the said .....

3. That the said ..... has failed to obey such order.

SWORN before me at the .....
of ..... in the Province of
..... this .....
day of ....., 19....

.....
(Signature of deponent).

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of .....

Bankruptcy Act—*continued*

No. 57

AFFIDAVIT IN SUPPORT OF APPLICATION FOR COMMITTAL OF DEBTOR FOR CONTEMPT

(Title) (Form 1A)

I, ..., the trustee of the estate of the said debtor, make oath and say:—

That the said debtor did attend at the first meeting of his creditors held on the ..... day of ....., 19...., at ..... and wilfully refused to submit to be examined at such meeting in respect of his property (*or* his creditors), the submitting to examination being a duty imposed upon him by The Bankruptcy Act.

or

That the said debtor did wilfully fail to attend a meeting (*or* the first meeting) of his creditors held on the ..... day of ..... 19...., at .....(*or* to wait on me at my office on the..... day of ....., 19....), the attending such meeting (*or* waiting on me) being a duty imposed upon him by The Bankruptcy Act.

That the said debtor was on the ..... day of ....., 19...., duly served with a notice, a copy of which is hereunto annexed, by leaving the same at his usual place of residence, requiring him to attend the said meeting.

or

That the said debtor has wilfully failed to execute (*here describe the deed, etc., that he has failed to execute*), the execution of such deed when required by me being a duty imposed upon him by The Bankruptcy Act.

That the said debtor was on the ..... day of ....., 19...., duly served with a notice, a copy of which is hereunto annexed, by leaving the same at his usual place of residence, requiring him to execute the above-mentioned deed, etc.

or

That the said debtor has wilfully failed to perform a duty imposed upon him by The Bankruptcy Act (*here insert any act he has been required to do by any special order of the Court, stating the day on which the order was made*).

That the said debtor was duly served with a copy of such order by leaving the same at his usual place of residence on the ..... day of ....., 19....

or

That the said debtor has failed to deliver up possession of (*here state the property he has failed to deliver up*) which property is divisible amongst his creditors under the said Act and which said property was (*or* is) in his possession or control, he having been required by me to deliver up the said property by notice, a copy of which is hereunto annexed, and which notice was duly served upon him on the ..... day of ....., 19...., at .....

SWORN before me at the .....
of ..... in the Province of
..... this .....
day of ....., 19....

.....
Trustee.

.....
A Commissioner, etc., *or* A Notary Public
in and for the Province of.....

NOTE:—If debtor is a corporation, modify as required by section 133.

Bankruptcy Act—*continued*

No. 58

NOTICE OF APPLICATION FOR COMMITTAL

(Title) (Form 1A)

To .....

Take notice that an application will be made on behalf of ...., the trustee of the property of the said debtor, before the Honourable Mr. Justice ..... at his Chambers at ..... in the ..... of ..... at the hour of ..... o'clock in the ..... noon or so soon thereafter as the application may be heard for an order for your committal to gaol for contempt of this Court, you having failed to perform the duty imposed on you by section ..... of The Bankruptcy Act (*here set out the duty he has failed to perform*).

And further take notice that you are required to attend the Court on such day at the hour before stated to show cause why an order for your committal should not be made.

Dated at ..... this ..... day of ....., 19....

No. 59

ORDER FOR COMMITTAL

(Title) (Form 1B)

Upon the application of the trustee of the property of the above debtor, and upon hearing the debtor (*or, if he does not appear, so state*), and reading the affidavit of (*here insert name and description of person by whom the notice to show cause was served*), and upon reading the affidavit of (*enter evidence*), and it appearing that the debtor has been guilty of a contempt of this Court by having failed to (*here follow the notice*), it is ordered that the debtor do stand committed to (*here insert name of gaol*) for his contempt, for the period of ..... from the execution of the warrant issued hereunder.

Bankruptcy Act—*continued*

No. 60

WARRANT FOR COMMITTAL FOR CONTEMPT

(Title) (Form 1A)

To ....., officer of this Court, and to the governor or keeper of the (*here insert name of gaol*).

Whereas by an order of this Court bearing date the ..... day of ....., 19...., it was ordered that the said debtor (*or* ..... of .....) should stand committed for contempt of this Court.

These are therefore to require you the said ..... to take the said ..... and deliver him to the governor or keeper of the above-named gaol, and you the said governor or keeper to receive the said ..... and him safely to keep in the said gaol and in your custody for a period of..... from the date of the execution of this warrant, or for such shorter period as the Court shall order, and you the said governor or keeper shall, while the said .... is in your custody, and at all times when the Court shall so direct, produce the said ..... before the Court.

Dated at ..... this ..... day of ....., 19....

[SEAL]

No. 61

ORDER FOR DISCHARGE FROM CUSTODY ON CONTEMPT

(Title) (Form 1B)

Upon the application made this ..... day of ....., 19...., for ....., who was committed to gaol for contempt by order of this Court dated the ..... day of ....., 19...., and upon reading his affidavit showing that he has cleared (*or* is desirous of clearing) his contempt and has paid the costs occasioned thereby and upon hearing the trustee (*or*.....), it is ordered that the governor or keeper of (*here insert name of gaol*) do discharge the said ..... out of his custody as to the said contempt.

Bankruptcy Act—*continued*

No. 62

WARRANT OF SEIZURE

(Title) (Form 1A)

Whereas on the ..... day of ....., 19...., a receiving order was made against the said debtor, (*or* an authorized assignment was made by the said debtor) and it has been made to appear that

(here set out the circumstances mentioned in either (a), (b) or (c) of section 139 (1)).

These are therefore to require you forthwith to enter into and upon the house and houses, and other the premises of the said debtor, and also in all other place and places belonging to the said debtor where any of his goods and moneys are, or are reputed to be, and there seize all books, papers, money and goods, except only such property which is not divisible among his creditors as provided by section 23 of The Bankruptcy Act.

And that which you shall so seize you shall safely detain and keep in your possession until you shall receive orders in writing for the disposal thereof from the trustee; and in case of resistance or of not having the key or keys of any doors or lock of any premises belonging to the said debtor where any of his goods are or are suspected to be, you shall break open, or cause the same to be broken open for the better execution of this warrant.

Dated at ..... this ..... day of ....., 19....

To ....., the officer of this Court and his assistants.

[SEAL]

Bankruptcy Act—*continued*

No. 63

WARRANT TO APPREHEND DEBTOR UNDER SECTION 128

(Title) (Form 1A)

To ....., the officer of this Court and his assistants, and all peace officers within the jurisdiction of the said Court, and to the governor or keeper of the (*here insert name of gaol*).

WHEREAS it has been made to appear to the satisfaction of the Court that ....., who made an authorized assignment on the ..... day of ....., 19...., (*or* against whom a receiving order was made on the ..... day of ....., 19....), has failed to present himself before the Official Receiver as required by section 128(1) of The Bankruptcy Act, though duly required to attend.

These are therefore to require and authorize you and every of you, the said ..... and your assistants and all peace officers within the jurisdiction of this Court, immediately upon receipt hereof to take the said ..... and bring him before ....., the Official Receiver, in order to his being examined as required by the said section 128 (1) of The Bankruptcy Act, and in the meantime him safely to keep or deliver to the governor or keeper of the above-named gaol, and forthwith after such taking and delivery to report the same to this Court, and obtain its direction or order fixing a day, time and place for the examination of the said ....., and you, the said governor or keeper, to receive the said ..... and him safely keep in the said ..... prison and in your custody to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be a sufficient warrant to you and every of you.

Dated at ..... this ..... day of ....., 19....

[SEAL]

.....
Registrar.

Bankruptcy Act—*continued*

No. 64

WARRANT OF ARREST AGAINST DEBTOR

(Title) (Form 1A)

To ....., the officer of this Court, and all peace officers within the jurisdiction of the said Court, and to the governor or keeper of the (*here insert name of gaol*).

WHEREAS, by evidence taken upon oath, it has been made to appear to the satisfaction of the Court that there is probable reason to suspect and believe that the said ..... has absconded, or is about to abscond from Canada, with a view of avoiding payment of the debt in respect of which the bankruptcy petition was filed (*or* of avoiding appearance in a bankruptcy petition) (*or* avoiding examination in respect of his affairs) (*or* otherwise avoiding, delaying or embarrassing the proceedings in bankruptcy against him.)

(*Or* that there is probable cause for believing that the said ..... is about to remove his goods with a view of preventing or delaying possession being taken of them by the trustee of the property of the said .....)

(*Or* that there is probable ground for believing that the said .... has concealed or is about to conceal or destroy any of his goods or any books, documents or writings which might be of use to the trustee of the property of the said ..... or to the creditors of the said..... ..... in the course of the bankruptcy (*or* authorized assignment) proceedings.)

(*Or* whereas by evidence taken upon oath it has been made to appear to the satisfaction of this Court that the said ..... has removed certain of his goods and chattels in his possession above the value of $25 without the leave of the trustee, that is to say) (*here describe the goods and chattels.*)

These are therefore to require you the said (*here name bailiff or other officer*) to take the said ..... and to deliver him to the governor or keeper of the above named gaol, and you the said governor or keeper to receive the said ..... and him safely to keep in the said gaol until such time as this Court may order.

Dated at ..... this ..... day of ....., 19....

[SEAL]

.....
Registrar.

Bankruptcy Act—*continued*

No. 65

WARRANT TO APPREHEND DEBTOR OR OTHER PERSON UNDER SECTIONS 134 TO 138

(Title) (Form 1A)

To ....., the officer of this Court and his assistants, and all peace officers within the jurisdiction of the said Court, and to the governor or keeper of the (*here insert name of gaol.*)

WHEREAS by appointment (*or* summons) dated the ..... day of ....., 19...., ..., Special Examiner (*or as the case may be*), did appoint the ..... day of ....., 19...., for the examination viva voce of .... of ..... (*or* ..... of .....) and whereas the said appointment (*or* summons) was afterwards on the ..... day of ....., 19...., as hath been proved by affidavit, duly served upon the said ....., and a reasonable sum was paid or tendered him for his conduct money and witness fees, and whereas the said ....., having no lawful impediment made known to and allowed by this Court at the time of its sitting, hath refused to appear before the Examiner at the time appointed (*or* having attended, hath refused to make satisfactory answers to questions asked him);

(*Or* whereas ..... of ....., a person believed or suspected to have in his possession or power certain of the property of the debtor (*or* a certain book, document or paper relating in whole or in part to the debtor, his dealings or property, *or* showing that the said ..... is indebted to the debtor); and whereas, as has been made to appear by satisfactory evidence, the said ....., having been duly required by the trustee to deliver over to him such property (*or* to produce such book, document or paper for the information of the trustee), has failed to do so, and whereas by appointment (*or* summons) dated the ..... day of ....., 19...., ..., Special Examiner (*or as the case may be*), did appoint the ..... day of ....., 19...., for the examination viva voce of the said ....., and whereas the said appointment (*or* summons) was afterwards on the ..... day of ....., 19...., as hath been proved by affidavit, duly served upon the said ....., and a reasonable sum was paid or tendered him for his conduct money and witness fees; and whereas the said ....., having no lawful impediment made known to and allowed by this Court at the time of its sitting, hath impediment made known to and allowed by this Court at the time of its sitting, hath refused to make satisfactory answers to questions asked him, or attending hath refused, although duly required so to do, to produce a certain book, document or other paper relating to the debtor, his dealings or property, or showing that the said .... is indebted to the debtor).)

These therefore are to require and authorize you and every of you, the said ..... and your assistants and all peace officers of this Court, immediately upon receipt hereof to take the said ..... and bring him before this Court at such time and place as this Court shall direct, in order to his being examined as aforesaid, and in the meantime him safely to keep or deliver to the governor or keeper of the above-named gaol, and forthwith after such taking and delivery to report the same to this Court and obtain its direction or order fixing a day, time and place for the examination of the said ..... and you, the said governor or keeper, to receive the said ..... and him safely to keep in the said ..... prison and in your custody, to await the direction or order of this Court, and to produce him before this Court at such time and place as shall be specified in such direction or order, and for so doing this shall be a sufficient warrant to you and every of you.

Dated at ..... this ..... day of ..... 19....

[SEAL]

.....

Registrar.

Bankruptcy Act—*continued*

No. 66

APPOINTMENT FOR EXAMINATION OF DEBTOR OR OTHERS

(Title) (Form 1A)

Upon the application of the trustee in the above matter, I do hereby appoint ..... the ..... day of ....., 19...., at the hour of ..... o'clock in the .....noon at ..... in the ..... of ..... for the examination upon oath before me, pursuant to The Bankruptcy Act, of ...., the above named debtor (*or* ....., a person thought to have knowledge of the affairs of the above named debtor, an agent, clerk, servant, officer, director or employee, *as the case may be,* of the above named debtor).

Dated at ..... this ..... day of....., 19....

.....
Registrar (*or* Special Examiner)
(*or other proper officer*)

No. 67

DECLARATION BY SHORTHAND WRITER

(Title) (Form 1A)

I, ..., of the ..... of ..... in the Province of ....., the shorthand writer appointed by the Registrar (*or* Special Examiner *or as the case may be*) to take down the examination of ....., do make oath and say that I will truly and faithfully take down the questions and answers put to and given by the said ..... in this matter, and will deliver true and faithful transcripts thereof as such Registrar (*or* Special Examiner *or as the case may be*) may direct.

SWORN before me at the .....
of ..... in the Province
of ..... this .....
day of ....., 19....

.....
(Signature of shorthand writer)

.....
Registrar (*or* Special Examiner)
(*or as the case may be.*)

Bankruptcy Act—*continued*

No. 68

NOTES OF EXAMINATION OF DEBTOR OR OTHERS

(Title) (Form 1A)

Examination of ..... before Mr. ..... (Registrar *or* Special Examiner) the ..... day of ....., 19....

The above-named ....., being sworn and examined at the time and place above mentioned, upon the several questions following being put and propounded to him, gave the several answers thereto respectively following each question, that is to say:—

.....

.....

.....

These are the notes of the examination referred to in the memorandum of the examination of ..... taken before me this ..... day of ....., 19....

.....
Registrar (*or* Special Examiner)

.....
Stenographer.

No. 69

ORDER TO POSTMASTER GENERAL UNDER SECTION 140

(Title) (Form 1B)

Upon the application of ....., the trustee of the property of the above debtor, it is ordered that for a period of three months from the ..... day of ....., 19...., all post letters, telegrams and postal packets directed or addressed to the said debtor at (*a*) ..... shall be re-directed, sent or delivered by the Postmaster General, or officers acting under him, to (*b*) ..... except any letter on which there is a specific direction signed by the trustee that it is to be delivered as addressed, if possible, and that a copy of this order be forthwith transmitted by the trustee to the Postmaster General and to the Postmaster in charge of the Post Office at .....

(*a*) Here insert the full address.

(*b*) The said trustee at ..... or otherwise as the Court may direct.

Bankruptcy Act—*continued*

No. 70

APPLICATION OF DEBTOR FOR DISCHARGE

(Title) (Form 1A)

I, ..., of the ..... of ..... in the Province of ....., having been adjudged bankrupt on the ..... day of ....., 19...., (*or* having made an authorized assignment on the ..... day of ....., 19....), and being desirous of obtaining my discharge, hereby apply to the Court to fix a day for hearing my application.

Annexed hereto is the certificate of the trustee specifying the names and addresses of my creditors.

Dated at ..... this ..... day of ....., 19....

.....
(Signature of debtor)

To the Registrar in Bankruptcy

at .....

No. 71

NOTICE TO TRUSTEE OF APPLICATION FOR DISCHARGE

(Title) (Form 1A)

The bankrupt (*or* authorized assignor), ..., having applied to the Court for his discharge, the Court has fixed the ..... day of ....., 19...., at ..... o'clock in the ..... noon at ..... for hearing the application.

Dated at ..... this ..... day of ....., 19....

.....
Registrar.

To .....

Trustee of the estate of the said .....

Bankruptcy Act—*continued*

No. 72

NOTICE TO CREDITORS OF APPLICATION FOR DISCHARGE

(Title) (Form 1A)

Take notice that the above named bankrupt (*or* authorized assignor) has applied to the Court for his discharge, and that the Court has fixed the ..... day of ..... at ..... o'clock in the ..... noon at ..... for hearing the application.

.....
Trustee.

NOTE: See sections 141 to 150 of The Bankruptcy Act dealing with the discharge of a debtor.

No. 73

REPORT OF TRUSTEE TO THE COURT UPON THE APPLICATION BY THE DEBTOR FOR AN ORDER OF DISCHARGE

(Title) (Form 1A)

I, ..., of ....., trustee of the estate of the above debtor, hereby respectfully report to the Court as follows:—

(1) That on the .....day of ....., 19...., the said debtor did make an authorized assignment (*or* a receiving order was on the ..... day of ....., 19...., made against the said debtor.) That ..... was appointed custodian of the estate of the said debtor and that at a meeting of creditors duly held on the ..... day of ....., 19...., I was appointed trustee of the estate of the said debtor.

(2) (*If the debtor has made a composition, extension or scheme which has not been carried out the trustee should report with respect thereto.*) That the above named debtor did on the ..... day of ....., 19...., lodge with me a proposal for a composition (extension *or* scheme). The said proposal (as amended by ..... at ..... on .....) was approved by the Court on the ..... day of ....., 19.... (*or as the case may be*). The debtor failed to comply with the terms of the proposal and was adjudged bankrupt by order of this Court on the ..... day of ....., 19....

(3) That in the statement of affairs of the said debtor sworn the ..... day of ....., 19...., the said debtor showed assets which were valued at ..... The amount realized from the sale or other disposition of the said assets was ....., made up as follows:—

(*Here set out the total, and also show in some reasonable detail the amounts realized from the different parcels of assets*).

Bankruptcy Act—*continued*

(4) That the liabilities of the debtor were shown in the statement of affairs to be ..... That it now appears that the liabilities of the debtor as proved and as admitted by the trustee were ....., made up as follows: (*Here point out discrepancies if any between the liabilities as shown in the statement of affairs and as subsequently ascertained by the trustee.*)

(5) That a final dividend to the unsecured creditors of the debtor, amounting to ..... has been paid by me, making a total dividend to the unsecured creditors of ..... being ..... cents in the dollar on the amount of the unsecured liabilities of the debtor (*or* no dividend has been or will be paid to the unsecured creditors of the debtor).

(6) That on the ..... day of ....., 19....., the debtor was examined under The Bankruptcy Act by..... before ..... A true copy of the said examination is filed with this report.

(7) That I made a detailed and careful inquiry into the causes of the bankruptcy of the said debtor and the conduct of the said debtor, and that I am of the opinion that:

(*a*) The causes of the bankruptcy of the debtor were as follows:
(Here set out fully the causes of the bankruptcy of the debtor as the trustee has been able to ascertain them.)

(*b*) The conduct of the debtor is (*or* is not) subject to censure (*as the case may be, treating the matter fully as to both the period before the authorized assignment or receiving order and that subsequent thereto.*)

(*c*) That the following fact, matter or circumstance justifies the Court, under The Bankruptcy Act, in refusing an unconditional order of discharge:
(Here set out in detail any such fact, matter or circumstance, or as the case may be.)

(*d*) That the debtor has committed no bankruptcy offence (*or as the case may be*).

(8) On ..... the ..... day of ....., 19...., I did cause to be sent by prepaid registered mail to each creditor of the above named debtor who has proved his debt and to the Superintendent of Bankruptcy a notice of the application of the debtor for his discharge and of the time and place of the hearing of it. A true copy of the said notice and of the list of creditors to whom sent, with their addresses, appears as Exhibit A to this report.

Dated at ..... this ..... day of ....., 19.....

.....
Trustee.

No. 74

ORDER GRANTING DISCHARGE UNCONDITIONALLY

(*Title*) (*Form 1B*)

On application of ..... of ....., adjudged bankrupt on the ..... day of ....., 19....., (*or* who made an authorized assignment on the ..... day of ....., 19....,) and upon taking into consideration the report of the trustee as to the debtor's conduct and affairs, and upon hearing the trustee and ....., creditors (*as the case may be*).

And whereas it has not been proved that the bankrupt (*or* authorized assignor) has committed any of the offences mentioned in The Bankruptcy Act, and proof has not been made of any of the facts mentioned in section 143 of the said Act or that the bankrupt (*or* authorized assignor) has been guilty of any misconduct in relation to his property or affairs.

It is ordered that he be and he hereby is discharged.

Bankruptcy Act—*continued*

No. 75

ORDER REFUSING DISCHARGE

(Title) *(Form 1B)*

On the application of .....

(Commencement as in form No. 74)

And whereas it has been proved that the bankrupt (*or* authorized assignor) has committed the following offences, namely:

(Here state particulars)

or

And whereas it has not been proved that the bankrupt (*or* authorized assignor) has committed any of the offences mentioned in The Bankruptcy Act but proof has been made of the following facts under section 143 of the said Act, namely:

(Here state particulars)

or/and that he has been guilty of misconduct in relation to his property and affairs, namely:

(Here state particulars)

It is ordered that the bankrupt's (*or* authorized assignor's) discharge be and it is hereby refused.

No. 76

ORDER SUSPENDING DISCHARGE

(Title) *(Form 1B)*

On the application of .....

(Commencement as in form No. 74)

And whereas it has not been proved that the bankrupt (*or* authorized assignor) has committed any of the offences mentioned in The Bankruptcy Act but proof has been made of the following facts mentioned in section 143 of the said Act:

(Here state particulars)

or/and that he has been guilty of misconduct in relation to his property and affairs, namely:

(Here state particulars)

And whereas the Court has for the following special reasons determined that his discharge shall not on that ground be absolutely refused:

(Here state the special reasons)

It is ordered that the bankrupt's (*or* authorized assignor's) discharge be suspended until a dividend of not less than fifty cents on the dollar has been paid to the creditors, with liberty to the bankrupt (*or* authorized assignor) at any time after the expiration of one year from the date of this order to apply for a modification thereof, pursuant to section 142 (3).

or

It is ordered that the bankrupt's (*or* authorized assignor's) discharge be suspended for ..... years and that he be discharged as from the ..... day of ....., 19.....

Bankruptcy Act—*continued*

No. 77

ORDER OF DISCHARGE WHERE THE ONLY FACT PROVED IS THAT ASSETS NOT EQUAL TO FIFTY CENTS ON THE DOLLAR

(Title) *(Form 1B)*

On the application of .....

(Commencement as in form No. 74)

And whereas it has not been proved that the bankrupt (*or* authorized assignor) has committed any of the offences mentioned in The Bankruptcy Act, and whereas the only fact under section 143 of which proof has been made is the fact that the bankrupt's (*or* authorized assignor's) assets are not of a value equal to fifty cents on the dollar on the amount of his unsecured liabilities.

It is ordered that the bankrupt's (*or* authorized assignor's) discharge be suspended for (*here state period of suspension*) and that he be discharged as from the ..... day of ....., 19.....

No. 78

ORDER OF DISCHARGE SUBJECT TO CONDITIONS AS TO EARNINGS, AFTER-ACQUIRED PROPERTY AND INCOME

(Title) *(Form 1B)*

On the application of .....

(Commencement as in form No. 74)

And whereas it has not been proved .....

(Continue as in form No. 76)

It is ordered that the bankrupt (*or* authorized assignor) be discharged subject to the following conditions as to his future earnings, after-acquired property and income:

After setting aside out of the bankrupt's (*or* authorized assignor's) earnings, after-acquired property and income the yearly sum of ..... for the support of himself and his family, the bankrupt (*or* authorized assignor) shall pay the surplus, if any (*or such portion of such surplus as the Court may determine*), of such earnings, after-acquired property and income to the trustee for distribution among the creditors of the estate. An account shall, on the first day of January in every year, or within fourteen days thereafter, be filed in these proceedings and with the trustee by the bankrupt (*or* authorized assignor) and verified by affidavit setting forth a statement of his receipts from earnings, after-acquired property and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the bankrupt (*or* authorized assignor) to the trustee within fourteen days of the filing of the said account.

Bankruptcy Act—*continued*

No. 79

ORDER OF DISCHARGE SUBJECT TO A CONDITION REQUIRING THE BANKRUPT OR AUTHORIZED ASSIGNOR TO CONSENT TO JUDGMENT BEING ENTERED AGAINST HIM

(Title) *(Form 1B)*

On the application of .....

(Commencement as in form No. 74)

And whereas it has not been proved .....

(Continue as in form No. 76)

It is ordered that the bankrupt (*or* authorized assignor) be discharged subject to the following condition to be fulfilled before his discharge takes effect, namely: he shall, before the signing of this order, consent to judgment being entered against him in this Court by the trustee for the sum of ....., being the balance (*or part of the balance*) of the debts provable in the estate which is not satisfied at the date of this order, and for ....., costs of judgment.

And it is further ordered, without prejudice and subject to any execution which may be issued on the said judgment with the leave of the Court, that the said sum of ..... be paid out of the future earnings or after-acquired property of the bankrupt (*or* authorized assignor) in the manner following, that is to say: after setting aside out of the bankrupt's (*or* authorized assignor's) earnings and after-acquired property a yearly sum of ..... for the support of himself and his family, the bankrupt (*or* authorized assignor) shall pay the surplus, if any (*or such portion of such surplus as the Court may determine*), to the trustee for distribution among the creditors in the estate. An account shall, on the first day of January in each year, or within fourteen days thereafter, be filed in these proceedings and with the trustee by the bankrupt (*or* authorized assignor) setting forth a statement of his receipts or earnings, after-acquired property and income during the year immediately preceding the said date, and the surplus payable under this order shall be paid by the bankrupt (*or* authorized assignor) to the trustee within fourteen days of the filing of the said account.

And it is further ordered that, upon the required consent being given, judgment may be entered against the bankrupt (*or* authorized assignor) in this Court for the sum of ..... together with ..... for costs of judgment.

No. 80

CONSENT OF BANKRUPT (OR AUTHORIZED ASSIGNOR) TO JUDGMENT BEING ENTERED FOR BALANCE OR PART OF BALANCE OF PROVABLE DEBTS

(Title) *(Form 1A)*

I, ..., of ....., the above named bankrupt (*or* authorized assignor), do hereby consent to judgment being entered against me in this Court by the trustee, ..., for the sum of ....., being the balance (*or* part of the balance) of the debts provable under my bankruptcy (*or* under my authorized assignment) which is not satisfied at the date of my discharge, together with ..... for costs of judgment, but this consent is subject to the provision contained in The Bankruptcy Act with regard to the issue of execution on such judgment.

Dated at ..... this ..... day of ....., 19.....

.....

(Signature of debtor)

Bankruptcy Act—*continued*

No. 81

JUDGMENT TO BE ENTERED PURSUANT TO THE CONSENT

(Title) *(Form 1B)*

Between:—

(Name of trustee)

Plaintiff,

AND

(Name of debtor)

Defendant.

The ..... day of ....., 19.....

Pursuant to the order made herein and dated the ..... day of ....., 19....., whereby it was ordered that

(Recite substance of order)

And the consent mentioned in the said order having been given and filed.

It is this day adjudged that the plaintiff recover against the said defendant..... ....., together with ..... for costs of judgment.

No. 82

AFFIDAVIT BY DEBTOR, WHOSE DISCHARGE HAS BEEN GRANTED CONDITIONALLY, AS TO AFTER-ACQUIRED PROPERTY OR INCOME

(Title) *(Form 1A)*

I, ..., of ....., the above-named debtor, make oath and say as follows:—

1. I have since the date of my discharge resided and carried on business at..... ..... and I now reside and carry on business at .....

2. The statement hereto annexed is a full, true and complete account of all moneys earned by me and of all property and income acquired or received by me since the date of my discharge (*or* since the date when last I filed a statement of after-acquired property and income in Court, namely, the ..... day of ....., 19.....)

SWORN before me at the.....
of ..... in the Province of.....
....., this .....
day of ....., 19.....

.....
(Signature of debtor)

.....
A Commissioner, etc., or a Notary Public
in and for the Province of.....

Bankruptcy Act—*continued*

No. 83

ORDER ANNULLING ADJUDICATION UNDER SECTION 151 (1)

(Title) *(Form 1B)*

On the application of ..... of .....
and on reading ..... and hearing .....
IT IS ORDERED that the adjudication of bankruptcy of the above named .....
..... under order dated the ..... day
of ....., 19....., be and the same is hereby annulled.

No. 84

NOTICE OF ORDER ANNULLING ADJUDICATION

(Title) *(Form 1)*

TAKE NOTICE that the order of adjudication bearing date the .....
day of ....., 19....., under which .....
of ..... was adjudged bankrupt has been annulled by order
of the Court dated the ..... day of ....., 19.....

Dated at ..... this ..... day of ....., 19.....

No. 85

CERTIFICATE OF REMOVAL OF DISQUALIFICATION

(Title) *(Form 1A)*

WHEREAS an order of discharge was, on the .....
day of ....., 19....., granted to .....
the above-named bankrupt (*or* authorized assignor);

IT IS HEREBY CERTIFIED that the bankruptcy of the said .....
was caused by misfortune without any misconduct on his part.

Dated at ..... this ..... day of ....., 19.....

.....
(Registrar)

Bankruptcy Act—*continued*

No. 86

NOTICE OF DISCHARGE OF DEBTOR

(Title) (Form 1)

TAKE NOTICE that ....., bankrupt (*or* authorized assignor), was discharged by order of the Court bearing date the ....day of ....., 19.....

Dated at ..... this ..... day of ....., 19.....

.....
(Trustee)

No. 87

TAXING MASTER'S CERTIFICATE

(Title) (Form 1A)

I hereby certify that I have taxed the bill of costs (*or* charges) (*or* expenses) of Mr. .....(*here state capacity in which employed or engaged*) (*where necessary add* "pursuant to an order of the Court dated the ..... day of ....., 19....."), and have allowed the same at the sum of .....(*where necessary add* "which sum is to be paid to the said ..... by ..... as directed by the said order").

Dated at ..... this ..... day of ....., 19.....

.....
Taxing Master (*or* Registrar)

No. 88

SUBPOENA

(Title) (Form 1A)

George the Sixth, by the Grace of God, etc., to (*insert name of witness*) Greeting:

We command you to attend before ..... at ..... on ..... day the ..... day of ....., 19....., at the hour of ..... o'clock in the ..... noon, and so from day to day until the above matter is heard, to give evidence on behalf of (*insert name*).

Dated at ..... this ..... day of ....., 19.....

.....
(Registrar)

Bankruptcy Act—*continued*

No. 89

SUBPOENA DUCES TECUM

(Title) *(Form 1A)*

George the Sixth, by the Grace of God, etc., to (*insert name of witness*) Greeting:

We command you to attend before ..... at ..... on ..... day the ..... day of ....., 19....., at the hour of ..... o'clock in the ..... noon, to give evidence on behalf of ..... and also to bring with you and produce at the time and place aforesaid (*specify documents to be produced*).

Dated at ..... this ..... day of ....., 19.....

.....
(Registrar)

Bankruptcy Act—*continued*

TARIFF

Part II

Tariff of Costs

Instructions	$ cts.
1. For petition or authorized assignment	4.00
2. To defend, oppose or attend upon petition	4.00
3. For approval of composition, extension or scheme	4.00
4. To attend on or oppose or defend any issue	4.00
5. For or to oppose notice of motion or application to Court or Chambers	4.00
6. For any affidavit	2.00
7. For or to answer interrogatories or cross-interrogatories or to examine or attend on any examination of a debtor or of any other person	4.00
8. To appeal or to oppose appeal	4.00
9. For any pleading	4.00
10. For any other important step or proceeding in any cause or matter not included in the above	4.00

Drafting Pleadings, Etc.

11. Drafting—	
(*a*) Statement of claim or defence or any pleadings instructed by the Court or a Judge to be drawn	4.00
(*b*) Petition	4.00
(*c*) Issue, composition, extension or scheme	4.00
(*d*) Any other document commencing a proceeding not commenced by petition or statement of claim and any document in answer to same	4.00
(*e*) Record	4.00
(*f*) Authorized assignment (including two duplicates)	4.00
(*g*) Notice of motion, objection, contestation, etc.	3.00
12. For every additional folio over ten, per folio	0.20
13. Engrossing same and for each copy to file and serve, per folio	0.10
14. Drawing interrogatories or cross-interrogatories or answers to either of the same, commission, letters rogatory or other document of like nature, per folio	0.20
15. Engrossing and for each copy to file and serve, per folio	0.10

Affidavits

16. Drawing affidavit, per folio	0.20
17. Engrossing and for each necessary copy, per folio	0.10
18. Preparing exhibits, each	0.20

Perusals

19. Of (*a*) Statement of claim, defence or other pleading	3.00
(*b*) Petition	3.00
(*c*) Issue	3.00
(*d*) Any other document commencing a proceeding not commenced by petition or statement of claim and any document in answer to same	3.00
20. Of any notice of motion, objection, contestation, etc.	2.00
21. Of each affidavit, including exhibits of a party adverse in interest	2.00
22. Of interrogatories, cross-interrogatories or answer to either of same, or any other document of a similar nature May be increased in the discretion of the taxing officer.	3.00
23. Of notice to produce or admit	2.00
24. Of any important notice or paper not otherwise mentioned	2.00

Bankruptcy Act—*continued*

	$ cts.
WRITS	
25. All writs, warrants, certificates of judgment and *lis pendens*, including attendances to issue, register and deliver same	5.00
26. Renewals of same, including attendances to issue, register and deliver same	4.00
27. Subpoena ad testificandum	1.50
28. Subpoena duces tecum	3.00
29. For every additional folio over four	0.20
SERVICES	
30. Service of petition or other document by which any proceeding is commenced	3.00
31. If served at over two miles from nearest place of business or office of solicitor serving same, for each mile beyond two, each way	0.30
32. For service out of jurisdiction, such allowance as taxing officer thinks proper.	
33. Attending to serve any other document	2.00
BRIEFS	
34. Drawing brief	3.00
35. Every additional folio over five	0.20
COPIES	
36. Copies of petitions, pleadings, notices, demands, minutes, orders, judgments, appointments, subpoenas and any other documents when no other provision is made and copies are properly allowable, per folio	0.10
NOTICES, DEMANDS, ETC.	
37. Notice to admit or produce	1.00
May be increased in the discretion of the taxing officer.	
38. Appointment for examination of debtor or witness or for any other purpose	1.00
Engrossing and each copy, per folio	0.10
39. Notice of trial, hearing of issue or summary hearing	2.00
40. Every notice under any other statute	2.00
41. All other notices and demands not above specified	2.00
42. Every folio over three of any of above	0.20
ATTENDANCES	
43. Attendances consequent on service of notice to produce or admit, or on inspection of documents, or notice under any statute	2.00
44. Attendance for special leave for a service of notice of motion or of appeal, in the discretion of the taxing officer	3.00
45. On consultation with counsel, where proper, in the discretion of the taxing officer	10.00
46. Solicitor attending Court or Chambers, including partner of counsel, when no second counsel fee taxed, per hour	5.00
47. To obtain or give undertaking to defend when service accepted by solicitor	2.00
48. To file any paper or for any appointment, or to receive, accept or admit service of any paper not otherwise provided for	1.00
49. Solicitor attending to procure evidence for the trial or petition, in addition to all proper travelling expenses	4.00
50. Every other necessary attendance, per hour	4.00
May be reduced or increased in the discretion of the taxing officer.	
51. Attendances, correspondences, etc., incurred through negotiations by a defendant creditor or debtor to gain time or in the endeavour to compromise or settle the action, petition or proceeding, such allowance as the taxing officer deems proper.	

Bankruptcy Act—*continued*

		$ cts.
	LETTERS	
52.	Each letter	1.00
53.	Perusal of each letter	1.00
	These two items may be reduced or increased in the discretion of the taxing officer.	
	BONDS	
54.	Upon giving of any bond in any proceeding, including drawing and engrossing same, and all affidavits and copies and necessary attendances and taking of affidavits, in discretion of taxing officer but not to exceed	15.00
	JUDGMENTS OR ORDERS	
55.	Drawing minutes of judgment or order	2.00
	For every folio over five, per folio	0.20
56.	Engrossing judgment or order, after settlement of minutes, per folio	0.10
57.	Judgment when no defence and no minutes necessary	3.00
58.	Appointment to settle or pass judgment or order of Court	1.00
59.	Attending to settle minutes	2.00
	May be increased in the discretion of the taxing officer in difficult or contested cases.	
60.	Attending to enter judgment	2.00
61.	Attending for any praecipe order	1.00
62.	Any praecipe order	1.00
	PAYMENT INTO OR OUT OF COURT	
63.	(*a*) Instructions to pay into court	2.00
	(*b*) Instructions to obtain moneys out of court	2.00
	(*c*) Praecipe to pay in or obtain out of court	1.00
	(*d*) Attending for direction	1.00
	(*e*) Attending for cheque to pay in	1.00
	(*f*) Attending to pay in or receive cheque in payment out	1.00
	(*g*) Praecipe for certificate of accountant	1.00
	(*h*) Attending for certificate of accountant	1.00
	(*i*) Drawing receipt or certificate of bank as to payment in or non-payment in	1.00
	(*j*) Attending to enquire at bank and for certificate	2.00
	TAXATION OF COSTS	
64.	Drawing bill of costs for taxation, per folio	0.30
65.	Engrossing and each copy to serve, per folio	0.10
66.	Notice of taxation or appointment to tax	1.00
67.	Every copy, per folio	0.15
68.	Attending on taxation, per hour, not more than	4.00
	COUNSEL FEES	
69.	Settling—	
	(*a*) Statement of claim, defence or any other pleading	10.00
	(*b*) Petition	10.00
	(*c*) Special notice of motion	10.00
	(*d*) Interrogatories or answers to same	10.00
	(*e*) Cross-interrogatories or answers to same	10.00
	(*f*) Issue	10.00
	(*g*) Application in connection with any composition, extension or scheme	10.00
	(*h*) Any other document or proceeding of like nature to any of the above	10.00
	Any of the above may be reduced or increased in the discretion of the taxing officer.	

Bankruptcy Act—*continued*

	$ cts.
70. Attendance of counsel on—	
(*a*) Examination for discovery	15.00
(*b*) Cross-examination on affidavits	15.00
(*c*) Examination of witness on motion	15.00
(*d*) Examination of witness de bene esse	15.00
(*e*) Examination of debtor	15.00
(*f*) Or any similar examination	15.00
Any of the above may be reduced or increased in the discretion of the taxing officer.	
71. On consultation with solicitor or client, where proper, in the discretion of the taxing officer	5.00
72. Advising on evidence	10.00
May be reduced or increased in the discretion of the taxing officer.	
73. Attendance of counsel on adjournment in Judge's chambers or on any motion, when unopposed	10.00
74. Attendance of counsel upon adjournment in Judge's chambers when opposed	15.00
75. Attendance of counsel upon adjournment before Registrar	5.00
76. Fee of counsel on ex parte motion or application to Registrar	10.00
77. Attendance of counsel on opposed motion or application to Registrar	15.00
Both of above items subject to increase in the discretion of the taxing officer.	
78. Counsel fee on all ex parte motions or applications to Court or Judge in Chambers	20.00
79. Counsel fee on opposed motion in Court or before Judge in Chambers	40.00
May be reduced or increased in the discretion of the taxing officer.	
80. Counsel fee with brief on—	
(*a*) Petition	50.00
(*b*) Trial	50.00
(*c*) Approval of any composition, extension or scheme	50.00
(*d*) Trial of issue	50.00
(*e*) Summary hearing	50.00
(*f*) Application for discharge by trustee or debtor when opposed	50.00
May be reduced or increased in the discretion of the taxing officer. For second counsel, where allowed by the court, two-thirds of the fees allowed to first counsel.	

81. Counsel fee on settlement or compromise when proceedings have been taken or services rendered by a barrister in or out of Court to expedite proceedings, to save costs, to compromise or settle actions, proceedings or claims or in negotiations leading up to a compromise or settlement, a counsel fee or allowance may be made therefor in the discretion of the taxing officer, which may be by way of commission or percentage on the amount recovered or defended, or on the value of the property about which the action, suit, claim or transaction is concerned, or the same may be made by way of quantum meruit for the services rendered or upon such other basis as the taxing officer thinks proper.

82. In all cases of fees or allowances which are in the discretion of the taxing officer (or which may be reduced or increased in the discretion of the taxing officer), the taxing officer shall have regard to all the circumstances including (but not in any way restricting the generality of the foregoing) the nature, importance or urgency of the matters involved, the time occupied, the circumstances and interest of the person by whom the costs are payable, the general conduct of the proceedings, and the amount, skill, labour and responsibility involved, and the preparation and consideration of any written argument when requested by a Judge.

83. In case of any service rendered in any action or proceeding of a like nature to any of the services provided for in this tariff and not expressly covered by any item in the tariff, a fee shall be allowed by the taxing officer of an amount equal to the tariff fee for the service most nearly resembling the one in question.

Bankruptcy Act—*continued*

84. In all cases of fees or allowances which may be allowed in the discretion of the taxing officer or which may be increased in his discretion, there shall be a right to appeal to a Judge in Chambers and the fee or allowance so made or increased shall be reconsidered by such Judge whether the exercise of the discretion pertains to the quantum of fees or relates to a question of principle. This right shall be in addition to any existing right of appeal.

SOLICITOR'S FEES ON COLLECTION OF ACCOUNTS

85. Claims collected after notice or demand and entered as a whole or in instalments:—

on first $300, or less	15%
on excess over $300, up to $1,000	8%
on over $1,000	4%

minimum charge $5.

On claims less than $10, charge not to exceed one-half the claim.
Where no collection made, no charge.

ALLOWANCE TO WITNESSES

	$ cts.
86. To witnesses residing within five miles of the court house where action is tried, or the place at which they are required to attend, for each day's attendance	2.00
87. To witnesses residing more than five miles from the court house where the action is tried, or the place at which they are required to attend, for each day's attendance	3.00
88. To barristers, solicitors, civil, mechanical and electrical engineers, architects, chartered accountants, dentists, dental surgeons, physicians and surgeons, when called upon to give evidence in consequence of any professional services rendered by them, or to give professional opinions, for each day's attendance	6.00

In addition to the foregoing fees, the travelling expenses of witnesses residing more than five miles from the court house where the action is tried, or the place at which they are required to attend, shall be allowed according to the sums actually and reasonably expended, but shall in no case exceed twenty cents per mile one way.

Part III

SCALE OF FEES—PAYABLE ON PROCEEDINGS

	$ cts.
Issuing and filing of every bankruptcy petition, including the sealing thereof and one duplicate or copy.	2.00
Filing and approving every bond, with or without sureties, including affidavits; or memorandum as to payment into court, including such payment in.	2.00
Every receiving order	2.00
Every other order	2.00
Every application to approve a composition, extension or scheme	5.00
Every application for an order of discharge	5.00
Every other notice of motion or application filed, including notice of appeal	2.00
Every affidavit filed	0.20
Every subpoena or warrant	1.00
Every lis pendens	2.00
Every statement of affairs, filing	1.00
For filing any other document or proceeding not otherwise particularly provided for	0.20

Bankruptcy Act—*continued*

	$ cts.
For making copies or certified copies of any proceeding, per folio	0.15
Taxation of costs, per hour. (Including taxing officer's certificate).	2.00
For the Registrar holding examinations or hearing appeals under section 159 (1) (*i*), per hour.	2.00
Bailiff for serving petition, subpoena, order or other proceeding, including affidavit of service.	2.00
Mileage one way, per mile	0.15
Possession by bailiff under a warrant, for each day a man is actually in possession.	3.00

No fees shall be charged for searching any proceedings or documents required, under the Act or these Rules, to be filed with the Registrar.

FEES PAYABLE TO OFFICIAL RECEIVER

1. On filing of authorized assignment and statement of affairs on form No. 53	1.00
2. On filing of statement of affairs on form No. 54	1.00
3. On appointment of custodian and notification of appointment	1.00
4. On filing of bond of custodian	2.00
5. On examination of debtor, and completion of form No. 50	3.00
6. On presiding at first meeting, if attending in person	4.00
7. On completion of authorized assignment by certifying as to trustee	1.00
8. On filing of bond of trustee	2.00
9. On reports to the Court	3.00

COSTS OF CUSTODIAN

The custodian shall be entitled to be paid his disbursements, and in taxing such disbursements the taxing officer may allow as disbursements the following:—

1. For taking possession, verifying the debtor's statement of affairs and making an inventory of his assets and a list of his liabilities:—

The actual disbursements of the custodian in connection with the said work.

2. For preparing and mailing notices of first meeting and other documents accompanying said notices:—

Per creditor—

On the first 100 notices and other documents, 5 cents per folio;
On the next 200 notices and other documents, 3 cents per folio;
On any excess over 300 notices and other documents, 1 cent per folio;
Proof of debt and proxy forms, at cost;
Plus postage.

Provided that where it would be more economical to have any such notices and/or other documents printed the cost thereof only may be claimed.

3. On disposal of perishable goods, five per cent of the net proceeds.

4. On carrying on the business of the debtor, or for any other service, such sum as the Court may allow.

SCALE OF TRUSTEE'S DISBURSEMENTS

1. Preparing, typing or mimeographing explanatory circular letter and mailing to all creditors with copy of statement of assets and liabilities and minutes of first meeting of creditors, or synopsis thereof:—

Per creditor—

On the first 100, 5 cents per folio;
On the next 200, 3 cents per folio;
On any excess over 300, 1 cent per folio;
Plus postage

Bankruptcy Act—*concluded*

2. For all necessary reports and statements to creditors from time to time:—
Per creditor—

On the first 100, 5 cents per folio;
On the next 200, 3 cents per folio;
On any excess over 300, 1 cent per folio;
Plus postage.

3. For sending notices to creditors of application for discharge, for passing of accounts and for copies of statement of receipts and disbursements and dividend sheet enclosed with notice:—

Per creditor—

On the first 100 notices and other documents, 5 cents per folio;
On the next 200 notices and other documents, 3 cents per folio;
On any excess over 300 notices and other documents, 1 cent per folio;
Plus postage.

Provided that where it would be more economical to have any such notices and/or other documents printed the cost thereof only may be claimed.

Provided further that, in any estate where the Court considers that the amount of remuneration allowed to the trustee is sufficient to compensate him adequately for all services rendered to the estate, the Court may disallow the foregoing disbursements either in whole or in part.

BARLEY, OATS AND — SUM PAYABLE FOR

See WHEAT AND GRAIN (Canadian Wheat Board Act).

BEEF, GRADING AND BRANDING OF

See LIVE STOCK AND LIVE STOCK PRODUCTS ACT.

BELUGAS, REGULATIONS FOR PROTECTION OF

See FISHERIES ACT.

BETTING, PARI-MUTUEL

See CRIMINAL CODE.

BINDER TWINE

See INSPECTION AND SALE ACT, 1938.

BIRD SANCTUARIES

See MIGRATORY BIRDS CONVENTION ACT.

BOUNTIES

See DEEP SEA FISHERIES ACT.

BRETTON WOODS AGREEMENTS ACT, 1945. (1945, c. 11)

Order fixing par value of Canadian dollar

P.C. 4810

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 19th day of September, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS by The Bretton Woods Agreements Act, 1945, the Governor in Council is authorized, amongst other things, to take such measures as may be deemed necessary to establish the par value of the Canadian dollar for the purposes and in accordance with the terms of the Agreement for an International Monetary Fund;

AND WHEREAS under the provisions of the said Agreement the par value of the currency of each member shall, for the purposes of the Agreement, be expressed in terms of gold as a common denominator or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944;

AND WHEREAS by Order in Council P.C. 880 of 11th March 1947, the par value of the Canadian dollar was fixed by the Governor in Council for the purposes of the said Agreement at one Canadian dollar equals one United States dollar of the weight and fineness in effect on July 1, 1944;

AND WHEREAS it is now deemed necessary to establish the par value of the Canadian dollar for the purposes of the Agreement and in accordance with the terms thereof at one Canadian dollar equals .90$^{1}\%_{11}$ United States dollar of the said weight and fineness;

THEREFORE HIS EXCELLENCY the Governor General in Council on the recommendation of the Minister of Finance, is pleased, hereby, to revoke Order in Council P.C. 880 of 11th March, 1947, and to fix the par value of the Canadian dollar for the purposes of the Agreement for an International with the terms thereof at one Canadian dollar equals ·90$^{1}\%_{11}$ United States dollar of the weight and fineness in effect on July 1, 1944; the foregoing to be effective the 20th day of September, 1949.

N. A. ROBERTSON,
Clerk of the Privy Council.

BREWERIES, REGULATIONS GOVERNING

See EXCISE ACT.

BRITISH INSURANCE COMPANIES

See INSURANCE.

BROADCASTING

See also RADIO.

CANADIAN BROADCASTING ACT, 1936. (1936, c. 24)

1. Regulations for controlling radio interference.
2. C.B.C. Regulations for broadcasting stations.

1. Regulations for controlling radio interference

P.C. 252

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 22nd day of January, 1941.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Munitions and Supply and under the authority of Section 23 of The Canadian Broadcasting Act, 1936, being Chapter 24 of the Statutes of that year, is pleased to make the annexed regulations for the control of radio interference, to be cited as "Regulations for Controlling Radio Interference," and they are hereby made and established accordingly.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for Controlling Radio Interference

1. In these regulations, unless the context otherwise requires:

(*a*) "interference" means the detrimental effect to radio reception of a radio signal having a field strength of 500 microvolts per metre, or greater, on a receiving installation approved by the Minister as being satisfactory for the purpose, and in any prosecution or other proceedings under these regulations a certificate given by the Minister or by any person duly authorized by the Minister as to the detrimental effect of any interference shall be received as conclusive evidence of the facts stated in such certificate.

(*b*) "interfering apparatus" means any mechanical, electrical or other device, apparatus, or circuit, which causes or is liable to cause interference.

(*c*) "Minister" means the Minister of Munitions and Supply and shall include the Deputy Minister of Transport in accordance with the provisions of Order in Council (P.C. 3076) dated July 8, 1940, made under the Public Service Re-arrangement and Transfer of Duties Act and the War Measures Act.

(*d*) "radio reception" means reception of radio-electric communication by means of Hertzian waves, including broadcasting, radiotelegraph, radiotelephone, the wireless transmission of writing, signs, signals, pictures and sounds of all kinds.

(*e*) "suppress" means to replace the interfering apparatus with non-interfering apparatus, or to repair or alter the interfering apparatus in such a manner that it will not cause interference, or to

Canadian Broadcasting Act—*continued*

associate with the interfering apparatus additional apparatus such as suppressors or shielding so that the interfering apparatus will not cause interference and "suppressed" and "suppression" shall have corresponding meanings.

2. (*a*) No person shall use any interfering apparatus, provided, however, that no prosecution for such use shall be instituted in any case unless and until the Minister certifies that an expenditure of less than fifty dollars will be necessary to suppress such interference.

(*b*) Notwithstanding anything contained in paragraph (*a*) of this regulation, the Minister may, in any case, order the suppression of the interference and no person shall, after receiving notice of such order thereafter use the apparatus nor resume the use thereof until the interference is suppressed to the satisfaction of the Minister.

(*c*) Any person who violates any of the provisions of this regulation shall be liable, on summary conviction, to a penalty not exceeding fifty dollars per day, for each day during which such violation continues.

3. (*a*) No person shall operate any device emitting radio frequency oscillations for purposes other than radio communications licensed by the Minister except with the approval, in writing, of the Minister.

(*b*) The expression "device" used in paragraph (*a*) of this regulation shall include, but not so as to restrict the generality thereof, any device or apparatus which emits radio frequency oscillations for the purpose of playing phonograph records or retransmitting broadcast programmes or lighting luminous signs.

(*c*) Any person, who violates the provisions of this regulation, shall be liable, on summary conviction, to a penalty not exceeding fifty dollars per day for each day during which such violation continues.

4. No prosecution for an offence against these regulations shall be commenced except with the consent of the Minister and, without limiting the generality of the foregoing, the Minister may withhold such consent when, in his opinion, the device or apparatus was used for essential purposes in an emergency and the user submits a full report in writing to the Controller of Radio of the Department of Transport, not later than five days after the use thereof, and, on the requisition of the Minister, furnishes satisfactory proof that the use of the apparatus was for essential purposes in an emergency.

5. Neither the Minister nor any employee of the Department of Transport shall recognize or assume any responsibility for claims for payment of charges or expenses incident to tests or investigations in connection with the enforcement of these regulations.

Canadian Broadcasting Act—*continued*

2. C.B.C. Regulations for Broadcasting Stations

Made under Authority of Sec. 22 of the Canadian Broadcasting Act, 1936 (as amended by Chapter 33, 1944)

The consolidated office copies in English and in French of C.B.C. Regulations for Broadcasting Stations, revised to October 17, 1949, and annexed hereto, were re-enacted by the Board of Governors of the Canadian Broadcasting Corporation at its 66th meeting held in Winnipeg on October 17, 1949.

An extract from the Minutes of the above meeting dealing with this matter is as follows:

> It Was Resolved that the Regulations revised to October 17, 1949, and numbered consecutively from 1 to 21, be and the same are hereby re-enacted as and for the Regulations of the Canadian Broadcasting Corporation under authority of subsection 1 of section 22 of The Canadian Broadcasting Act, 1936, as amended by chapter 33, 1944 and chapter 50, 1947.

I hereby certify that the Regulations annexed hereto and numbered consecutively from 1 to 21 are the regulations re-enacted by the Board of Governors of the Canadian Broadcasting Corporation passed at its 66th meeting held in Winnipeg on October 17, 1949.

A. D. DUNTON,
Chairman,
Board of Governors,
Canadian Broadcasting Corporation.

November 7, 1949.

Regulations for Broadcasting Stations

DEFINITIONS

1. In these regulations, unless the context otherwise requires,

(*a*) The "Act" means The Canadian Broadcasting Act, chapter twenty-four of the Statutes of 1936;
(*b*) "Corporation" means the Canadian Broadcasting Corporation;
(*c*) "licence" means a licence issued to a broadcasting station under the Radiotelegraph Act; and "licensee" means the holder of such licence;
(*d*) "private station" means any broadcasting station licensed to a person other than the Corporation;
(*e*) "regulations" means these regulations;
(*f*) "representatives of the Corporation" means the General Manager of the Corporation, the Assistant General Manager of the Corporation or persons authorized in writing by the General Manager of the Corporation;
(*g*) "station" refers to stations owned or operated by the Corporation as well as by others and it may also refer to the owner or licensee of a station.

SCOPE OF REGULATIONS

2. These regulations apply to all stations in Canada and to all matter broadcast by such stations.

Canadian Broadcasting Act—*continued*

PROGRAM LOG

3. (1) Each station shall maintain a program log in a form acceptable to the Corporation and shall cause entries to be made therein as follows:—

(*a*) date, call letters, location, frequency;

(*b*) the time at which each station identification announcement is made;

(*c*) the title and brief description of each program broadcast, with the time of the beginning and ending so as to give a continuous record of each day's broadcast. If a mechanical reproduction is used, that fact shall be noted, together with a statement whether or not announcement thereof was made. In the case of a talk or speech, the name of the speaker and the auspices under which the talk or speech was given shall be entered. If the speech is made by a political candidate or political party, the political affiliation of the candidate or party shall also be entered;

(*d*) the duration of each spot or other similar announcement and the broadcast hour during which it was transmitted;

(*e*) the name of the sponsor of any program or announcement for which the station is paid.

(2) Key letters or abbreviations may be used if the explanation of each is plainly given in the log. The logs shall be produced for the inspection of the representatives of the Corporation upon the request of such representatives.

(3) Each station shall keep on file a copy of

(*a*) the continuity used for any program;

(*b*) all programs or other announcements containing advertising matter;

(*c*) the manuscript of addresses or talks.

(4) In the case of chain or network broadcasts these records shall be kept by the originating station.

(5) Such records shall be retained by the station for a period of one year and shall be open for inspection by representatives of the Corporation upon request of such representatives.

TIME

4. The time mentioned in all program logs and contracts used in connection with broadcasting shall be local standard time (or local daylight saving time if that is in force) unless otherwise specified or agreed.

PROGRAM SCHEDULE AND LOG SUBMISSIONS

5. Each station shall, each week, file with the Corporation in a form acceptable to the Corporation

(*a*) an advance copy of its program schedule for the following week, showing the exact hours and how they are to be occupied each day;

(*b*) a true and complete copy of its program logs not later than seven days following the operations the said logs record.

STATION IDENTIFICATION

6. Each station shall announce its call letters not less than once nor more than four times an hour, during hours of operation.

PROGRAMS IN GENERAL

***7.** No one shall broadcast

(*a*) anything contrary to law;

Canadian Broadcasting Act—*continued*

(*b*) the actual proceedings at any trial in a Canadian Court;
(*c*) abusive comment on any race, religion or creed;
(*d*) obscene, indecent or profane language;
(*e*) malicious, scandalous, or defamatory matter;
(*f*) advertising matter containing false or deceptive statements;
(*g*) false or misleading news;
(*h*) upon the subject of birth control;
(*i*) upon the subject of venereal disease, or other subjects relating to public health which the Corporation may from time to time designate, unless such subjects be presented in a manner and at a time approved by the General Manager as appropriate to the medium of broadcasting;
(*j*) (i) programs presenting a person who claims supernatural or psychic powers, or a fortune-teller, character analyst, crystal-gazer or the like, or programs which lead or may lead the listening public to believe that the person presented claims to possess or possesses supernatural or psychic powers or is or claims to be a fortune-teller, character analyst, crystal-gazer or the like;
(ii) programs in which a person answers or solves or purports to answer or solve questions or problems submitted by listeners or members of the public unless such programs prior to being broadcast shall have been approved in writing by a representative of the Corporation;
(*k*) advertising content in the body of a news broadcast.
(*l*) Any appeal for donations or subscriptions in money or in kind without having first obtained the consent in writing of the General Manager except an appeal on behalf of a war charity fund registered under the War Charities Act, 1939, or a joint appeal on behalf of two or more charities made with the approval of the municipality or other local authority in which the appeal is made.
(*m*) Any program or speech by means of mechanical reproductions or in any other manner, so as to achieve indirectly or by an evasion that which a regulation or ruling of the Corporation prohibits, and the General Manager of the Corporation shall be the sole judge of what constitutes an evasion under this regulation and his ruling shall be final and binding with respect to any such matter.
(*n*) Appeals for agents to represent the sponsor of a program or handle the goods or services advertised thereon.

POLITICAL BROADCASTS

8. (1) Political broadcasts are governed by subsections (3), (4) and (5) of section 22 of The Canadian Broadcasting Act, 1936, which reads as follows:—

"(3) Dramatized political broadcasts are prohibited.

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*Note to Section 7.—It is not the intention of the Corporation to restrict freedom of speech nor the fair presentation of controversial material. On the contrary, the policy of the Corporation is to encourage the fair presentation of controversial questions. At the same time, it should be realized that the message of broadcasting is received at the fireside in the relatively unguarded atmosphere of the home, reaching old and young alike. Certain subjects, while meriting discussion elsewhere in the public interest are not necessarily suitable for this intimate medium.

Canadian Broadcasting Act—*continued*

(4) The names of the sponsor or sponsors and the political party, if any, upon whose behalf any political speech or address is broadcast shall be announced immediately preceding and immediately after such broadcasts.

(5) Political broadcasts on any dominion, provincial or municipal election day and on the two days immediately preceding any such election day are prohibited."

(2) Each station shall allocate time for political broadcasts as fairly as possible between the different parties or candidates desiring to purchase or obtain time for such broadcasts.

ADVERTISING CONTENT

9. (1) The advertising content of any program shall not exceed in time ten per cent of any program period.

(2) Notwithstanding the provisions of subsection (1) any station shall upon instructions in writing from the Corporation reduce the total daily advertising content of its programs if the said total daily advertising content in the opinion of the Corporation occupies an undue proportion of the daily broadcast time.

(3) Upon notice in writing from the Corporation any station shall change the quality or nature of its advertising broadcasts.

ADVERTISING PROGRAMS IN GENERAL

10. In any program no one shall advertise

(*a*) any act or thing prohibited by law;

(*b*) the prices of goods or services, except

(i) the prices of publications auxiliary to the information services of the Corporation;

(ii) where the terms of a "premium-merchandising offer" include the payment of a sum of money either as a nominal charge or as a price for the premium, the amount of the charge or price may be stated provided:

A. that the amount of the charge or price does not exceed the unit cost of the premium, including costs of handling and distribution, to the program sponsor;

B. that full details of the cost are disclosed to the Corporation;

C. that the premium offered is not of the class or kind of product the sale of which comprises the principal business of the program sponsor;

D. that the premium offered is a product not normally available through competitive trade channels;

E. that the amount of the charge or price does not exceed $1.00;

F. that the broadcast of any such offer is authorized in writing in advance by a representative of the Corporation.

Provided, however, that the Board of Governors of the Canadian Broadcasting Corporation may, if it deems it expedient in the public interest, suspend the operation of subsection (*b*) of this regulation from time to time.

(NOTE: In view of the provisions of Regulation 10 (*b*) the Board of Governors of the Canadian Broadcasting Corporation has suspended the said regulation as from September 1st, 1948, for trial period.)

Canadian Broadcasting Act—*continued*

(*c*) any insurance corporation not registered to do business in Canada;

(*d*) bonds, shares, or other securities or mining or oil properties or royalties or other interests in mining or oil properties other than the securities of the Dominion or Provincial governments or municipalities or other public authorities, provided nothing herein shall prevent anyone from sponsoring a program giving quotations of market prices without comment;

(*e*) spirituous liquors, beer or wine, or broadcast or cause to be broadcast any radio presentation or announcement whatsoever by or on behalf of a manufacturer or dealer whose principal business is the manufacture or sale of spirituous liquors, beer or wine provided however that programs of fifteen minutes or more sponsored by breweries or wine companies will be allowed in provinces in which, by Provincial Legislation, the advertising of beer and wine is permissible subject to the following conditions:

(i) The only announcements of sponsorship allowed shall be an announcement at the beginning of each program of fifteen minutes or more and one at the end provided however that in live talent programs of more than fifteen minutes' duration, the name of the sponsor may be introduced in program announcements at intervals of not less than fifteen minutes.

(ii) The form of announcements at the beginning of the program and at the end shall be:

"This program is presented with the compliments of the ABC Brewery."

"This program has been presented with the compliments of the ABC Brewery" or some necessary variation of these forms approved in writing by the Corporation.

(iii) No other announcements shall be made or devices used in any such program to advertise directly or indirectly the product of the sponsor.

(iv) The program format and forms of announcements and continuity shall be submitted to the Corporation for approval before they are broadcast.

SPOT ANNOUNCEMENTS

11. (1) "Spot" announcements shall not exceed two minutes for each broadcasting hour, subject always to the provisions of subsection (2) of this regulation.

(2) No "spot" announcement shall be broadcast on week-days between 7.30 p.m. and 11 p.m. nor on Sundays at any time, provided that where exceptional conditions prevail owing to the geographical situation, stations may be given permission by the Corporation to broadcast "spot" announcements on week-days during the hours prohibited in this section.

(3) Subsections (1) and (2) of this regulation shall not apply to:

(*a*) Time signals or weather reports provided that no advertising other than the name of the sponsor is mentioned;

(*b*) Non-sponsored spot announcements made by stations for the sole purpose of testing coverage, the details of which have been authorized in writing by a representative of the Corporation and notwithstanding Regulation 10 (*b*), stations may, with the permission of the Corporation, mention a sum not exceeding twenty-five (25) cents when such procedure is necessary effectively to execute the intent of this subsection.

Canadian Broadcasting Act—*continued*

FOOD AND DRUG PROPRIETARY OR PATENT MEDICINES

12. (1) No continuity advertising an article marketed under the Proprietary or Patent Medicine Act or the Food and Drugs Act may be broadcast until it has been approved by the Department of National Health and Welfare. Continuities submitted for approval shall be forwarded, in duplicate, to the Canadian Broadcasting Corporation at least two weeks in advance of intended use.

(2) The formula for any article bearing a distinctive or trade name distinguishing it from any other product, and marketed under the Food and Drugs Act, shall be submitted with each pertinent continuity.

(3) No electrical transcription advertising an article marketed under the Proprietary or Patent Medicine Act or the Food and Drugs Act shall be broadcast by any station unless certified by an affidavit that the advertising continuity has been approved by the Department of National Health and Welfare.

(4) No announcer may broadcast any statement concerning any article marketed under the Food and Drugs Act or the Proprietary or Patent Medicine Act that is not contained in the continuity approved by the Department of National Health and Welfare.

(5) Testimonials referring to an article marketed under the Food and Drugs Act or the Proprietary or Patent Medicine Act shall be regarded as constituting a part of the advertising continuity.

(6) No continuity recommending any treatment for any ailment shall be broadcast until it has been approved by the Department of National Health and Welfare.

(7) Inspectors of Food and Drugs, Department of National Health and Welfare, are authorized to act as representatives of the Corporation for the purpose of enforcing this regulation.

NEWS BROADCASTS

13. (1) Stations shall not transmit in the form of newscasts, news commentaries or in any manner any news or information of any kind published in any newspaper or obtained, collected, collated or co-ordinated by any newspaper or association of newspapers or any news agency or service except the following:—

(*a*) Such news bulletins, free from sponsorship, as are released by the Corporation for the express use of broadcasting stations, broadcasts of which shall be subject to such conditions as the Corporation may prescribe;

(*b*) Local and sports news under written arrangements to be made by each station individually with its local newspaper or newspapers or collected through its own employees. Copies of all such written arrangements shall be filed with the Corporation immediately upon completion thereof;

(*c*) News from sources other than those provided for in clauses (*a*) and (*b*) hereof with the prior permission in writing from the Corporation and subject to such conditions as the Corporation may specify.

(2) There shall be no commercial announcement between the beginning and end of a newscast.

Canadian Broadcasting Act—*continued*

(3) The Corporation news bulletins as defined in subsection (1) clause (*a*) hereof shall be broadcast in the manner and by such stations as the Corporation may designate.

MATERIAL TO BE SUBMITTED

14. Representatives of the Corporation may require the production of material to be broadcast before any broadcast is arranged to take place.

CORPORATION PROGRAMS

15. Time reserved for the broadcasting of Corporation programs shall be used only for such programs unless approval to the contrary has been received in writing from the Corporation in each specific case.

PRIORITY FOR PROGRAMS

16. Stations shall upon request of the Corporation give right of way to such Corporation or other programs as the Corporation shall designate. In such event neither the station nor the Corporation shall incur any liability for compensation or damages.

RE-BROADCASTING OF PROGRAMS

17. No station shall "pick up" and re-broadcast any program unless permission in writing has first been obtained from the Corporation.

MECHANICAL REPRODUCTIONS

18. (1) No station shall use a mechanical reproduction (except when its use is merely incidental as for an identification or background) between the hours of 7.30 and 11 p.m. except with the previous consent of the Corporation in writing.

(2) A mechanical reproduction shall be announced as such immediately before and after the program concerned, except when its use is merely incidental as for identification or background or as a transcribed commercial "spot" announcement with no musical theme or content. The exact form of announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. The following are examples of statements sufficient for the purpose:—

(*a*) "This is a recorded program."

(*b*) "This is a program of electrical transcription."

(3) No program of mechanical reproductions shall contain any reference to the name of any person, firm or corporation connected with the manufacture, sale, hire or ownership of the said mechanical reproductions used in the said program.

CHAIN BROADCASTING

19. Unless permission in writing is first obtained from the Corporation

(*a*) no station shall continue to be a part or shall form a part of a chain or network originating outside of Canada;

(*b*) no chain or network of two or more stations shall continue to be operated within Canada or shall be set up or operated within Canada;

(*c*) no station shall continue to be or become an outlet for any station, chain or network existing or originating outside of Canada;

Canadian Broadcasting Act—*concluded*

(*d*) no station shall continue to be or become an associate station of or with any station, chain or network existing or originating outside of Canada.

STATION CONTRACTS

20. Every station shall file with the Corporation a copy of the form of contract used by it and a statement of its charges. Every such contract shall expressly make the enjoyment of the privilege to broadcast conditional upon the observance of these regulations. The licensee of each station shall see that a copy of these regulations is available at the station and that the station employees and persons broadcasting are familiar with them.

VIOLATION OF REGULATIONS

21. The Corporation may send a written or telegraph notice to the licensee of any station informing him of any alleged violation of these regulations and he shall have a delay of six days within which to answer in writing, giving in full his reply to the notice. The Corporation may make such investigation of the facts as it shall consider appropriate and for this purpose its representatives may examine the records and question the employees of any station.

NOTE.—The penalty for violation of these regulations is provided for under Section 22 (6) of the Act which reads:

PENALTY

"(6) In case of any violation or non-observance by a private station of the regulations made by the Corporation under this section, the Corporation may order that the licence of such private station be suspended for a period not exceeding three months and any such order shall be forwarded to the Minister who shall forthwith communicate the same to the licensee of the station and shall take such steps as may be necessary to carry out the terms of such order."

CADET CORPS, REGULATIONS FOR

See MILITIA ACT; NAVAL SERVICE ACT, 1944; ROYAL CANADIAN AIR FORCE ACT.

CANADA FORESTRY ACT

See FORESTRY.

CANADA GAZETTE

See PUBLIC PRINTING AND STATIONERY ACT.

CANADA GRAIN ACT

See GRAIN.

CANADA MEDICAL ACT. (R.S.C., 1927, c. 129)

Rules and regulations relating to registration under the *Canada Medical Act* were made by the Medical Council of Canada on September 7th, 1938, and approved by the Governor in Council on November 25th, 1938, (Order in Council P.C. 2951). These rules and regulations and information respecting the examinations of the Medical Council of Canada may be obtained from The Registrar, The Medical Council of Canada, Medical Arts Building, 180 Metcalfe Street, Ottawa.

CANADA PRIZE ACT, 1945. (1945, c. 12)

THE PRIZE COURT RULES, 1939

Rules of practice and procedure in prize matters were established for the Exchequer Court of Canada, on its Admiralty side, by Order in Council P.C. 2682 of the 14th September 1939. By section 11(2) of the Act it is provided that general orders and rules in force at the time of the commencement of the Act in respect of the exercise of jurisdiction in prize by the Court and the practice and procedure therein shall, except in so far as inconsistent with the Act, be deemed to have been re-enacted under the Act immediately after the Act came into force and shall govern the exercise by the Court of the prize jurisdiction conferred on it by the Act until revoked or amended. The Prize Court Rules, 1939, may be obtained from the King's Printer, Ottawa. Price, 25 cents.

CANADA SHIPPING ACT

See SHIPPING.

CANADIAN AND BRITISH INSURANCE COMPANIES ACT, 1932

See INSURANCE.

CANADIAN BROADCASTING ACT, 1936

See BROADCASTING.

CANADIAN CITIZENSHIP ACT

See CITIZENSHIP.

CANADIAN COAL ACT

See COAL AND COKE.

CANADIAN FARM LOAN ACT

See FARM LOANS.

CANADIAN FISHERMAN'S LOAN ACT

See FISHERMAN'S LOANS.

CANADIAN MARITIME COMMISSION ACT

See MARITIME.

CANADIAN NATIONAL RAILWAYS ACT

See RAILWAYS ACT; TRANSPORT COMMISSIONERS, BOARD OF.

CANADIAN SERVICES COLLEGE

See ROYAL MILITARY COLLEGE ACT.

CANADIAN WHEAT BOARD ACT

See WHEAT AND GRAIN.

CANALS

See DEPARTMENT OF TRANSPORT ACT.

CANNERIES

See FRUIT, VEGETABLES AND HONEY ACT; FISH INSPECTION ACT; MEAT AND CANNED FOODS ACT.

CANTEEN FUNDS (CANADA) ACT. (1928, c. 14)

No statutory orders or regulations under this statute were in effect on December 31, 1949.

CARRIAGE BY AIR ACT, 1939. (1939, c. 12)

See also AERONAUTICS ACT.

By a Proclamation dated January 30, 1948, published in Part II of the Canada Gazette on March 10, 1948, the Convention for the unification of certain rules relating to International Carriage by Air (as set out in the First Schedule to The Carriage by Air Act, 1939) was declared to come into force, as regards Canada, on September 8, 1947, subject to the reservation that the first paragraph of Article 2 of the Convention shall not apply to international carriage by air performed directly by Canada.

CATTLE, DAIRY, EXPORT OF

See LIVE STOCK AND LIVE STOCK PRODUCTS ACT.

CENTRAL MORTGAGE AND HOUSING CORPORATION ACT

See HOUSING ACTS.

CHEESE AND CHEESE FACTORY IMPROVEMENT ACT. (1939, c. 13)

The Cheese and Cheese Factory Improvement Regulations
P.C. 5236

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 14th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of section seven of The Cheese and Cheese Factory Improvement Act, Chapter 13 of the Statutes of Canada, 1939, is pleased to order as follows:

1. In these regulations, unless the context otherwise requires:
by Order in Council P.C. 5651 of 15th December 1948, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Cheese and Cheese Factory Improvement Regulations" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Cheese and Cheese Factory Improvement Act—*continued*

THE CHEESE AND CHEESE FACTORY IMPROVEMENT REGULATIONS

1. In these regulations, unless the context otherwise requires:

(*a*) "Act" means the Cheese and Cheese Factory Improvement Act;

(*b*) "cheese factory" means a factory which has manufactured, or is manufacturing cheddar cheese from whole milk received from five or more patrons, and includes the cheese department of a factory equipped to manufacture both cheese and butter;

(*c*) "existing cheese factory" for the purposes of sections 3 and 6 of the Act, means a cheese factory as defined in paragraph (*b*) hereof, which at the time of filing an application under the Act has manufactured cheddar cheese during at least four consecutive months of the twelve-month period prior to the date of filing such application; and, for the purpose of section 4 of the Act, means a cheese factory as defined in paragraph (*b*) hereof which is manufacturing cheddar cheese at the time the application is filed; and

(*d*) "new factory" means a factory which is being constructed or has been constructed for the purpose of manufacturing cheddar cheese but which has not commenced manufacture.

2. Applications for subsidies under the Act shall be in duplicate in the form prescribed by the Minister and supported by such information as the Minister may require.

3. (1) All applications, accompanied by plans, specifications, detailed estimates of costs and tenders for refrigeration equipment, in duplicate, must be filed with the Dairy Products Division, Department of Agriculture, Ottawa, and a contract under section 5 of the Act entered into prior to the initiation of any work, purchase of any equipment, or the incurring of any liability if the cost of such work or equipment, or the amount of any liability incurred is to be included for subsidy purposes.

(2) Estimates of costs of refrigeration equipment as stated in applications shall be based on tenders received in duplicate on forms provided by the Minister, from three or more firms dealing in different makes of equipment; one copy of each tender shall be attached to the application, and if no tender submitted is satisfactory to the Minister, the Minister may require the applicant to secure additional tenders from other firms selling such equipment.

4. The amount to be allowed as subsidy for the construction of a new factory which will manufacture products other than cheddar cheese, shall be based on a calculation of the cost of that portion of the factory to be used in the manufacture of cheddar cheese.

5. The amount of any subsidy which may be paid shall be based upon the following factors:

(*a*) The amount to be allowed for refrigeration equipment shall not exceed whatever would be adequate to cool the cheese ripening room;

(*b*) If refrigeration equipment of capacity or cost greater than is considered adequate or reasonable for efficiently cooling the cheese ripening room is installed, the amount to be allowed for such equipment in determining the total cost for subsidy purposes shall be as determined by the Minister;

Cheese and Cheese Factory Improvement Act—*continued*

(*c*) If material or equipment other than that approved by the Minister is used, the amount to be allowed for such material or equipment in determining the total cost for subsidy purposes shall be as determined by the Minister;

(*d*) Moneys or credits received from the sale of equipment which was used during the last four-month period of operation in factories amalgamated under the Act shall be deducted for subsidy purposes from moneys actually expended for new material, new equipment and labour utilized in constructing, reconstructing and equipping cheese factories;

(*e*) If the ripening room of a new factory is being insulated or insulated and refrigerated, the owner must provide at his own expense the outer part of the walls, the ceiling joists, roof, floor, shelving, and the ante-room, if an ante-room is being provided;

(*f*) The cost of any shelving additional to that already installed in an existing cheese factory, required to accommodate seventeen days make of cheese during the period of greatest production may be considered, and if circumstances indicate that the volume of cheese to be made will increase considerably in the near future, the shelving to be provided shall be as determined by the Minister; and

(*g*) The amount to be allowed for standardizing cheese pressing equipment shall include only actual expenditures for necessary parts to convert presses constructed for hoops of a diameter other than 15 inches to presses for hoops of a diameter of 15 inches, and to replace the number of hoops of a diameter other than 15 inches with an equivalent number of hoops of a diameter of 15 inches at a height of 12 inches above the bottom of the hoops, and followers for the same, and to replace the bandagers with an equivalent number of bandagers of diameter suitable for use in hoops of 15-inch diameter.

6. (1) Refrigeration equipment provided for the cooling of cheese ripening rooms shall not be connected to equipment used for the refrigeration of other rooms.

(2) The owner or manager of each cheese factory who instals refrigeration equipment under a subsidy contract shall retain at least twenty-five per centum of the contract price of such equipment until it has been inspected and approved on behalf of the Minister.

7. No payment of subsidy shall be made with respect to any cheese factory:

(*a*) Unless such cheese factory is registered with the Dominion Department of Agriculture under the Dairy Industry Act and Regulations;

(*b*) Until the work with respect to which a subsidy may be paid has been completed, and inspected and approved on behalf of the Minister;

(*c*) Until a statement of actual expenditures and labour pay-sheets certified by the president and treasurer in the case of a corporation or a co-operatively owned factory, or the owner in the case of a

Cheese and Cheese Factory Improvement Act—*continued*

privately owned factory, and supported by actual itemized invoices duly receipted, and cancelled cheques if any payments have been made by cheque, for the cost of new material, new equipment, and labour, has been submitted and approved; and

(*d*) Unless, in cases where the applicant for subsidy engages a contractor to do the work on a cost-plus fixed fee basis, there is produced to the Minister the invoices, pay-sheets, records, cancelled cheques and other documents of the contractor relating to the cost of the work.

8. No expenditure on account of refrigeration or other equipment or material which has been used previously shall be included in determining the amount of any subsidy.

9. Cheese ripening rooms must:

(*a*) be insulated or insulated and refrigerated to the satisfaction of the Minister;

(*b*) be provided with sufficient shelving not more than three rows high, to receive the number of cheese made during seventeen days of greatest production during the year immediately preceding the date of application for subsidy, and also be sufficiently large to permit of boxing and piling in the ripening room all cheese made during one week of greatest production;

(*c*) be provided with standard cold storage "walk-in" and "load-out" doors of dimensions as specified by the Minister, equipped with standard hinges and fasteners, insulated with at least four inches of cork, and manufactured by a recognized firm manufacturing cold storage equipment;

(*d*) be equipped with steam piping or other device approved by the Minister, for introducing heat into the ripening room as a means of controlling relative humidity and temperature; and

(*e*) be provided with a wet and dry bulb hygrometer or other device approved by the Minister for the purpose of determining the relative humidity in the ripening room.

10. Premium shall be payable only on cheese manufactured from whole milk and of the cheddar type including "washed curd" cheese.

11. All cheese manufactured shall be eligible for payment of a premium, on grading by a Dairy Produce Grader, of one cent per pound if it scores 93 points, and two cents per pound if it scores 94 or more points.

12. Premiums paid on account of the production of cheese scoring 93 or more points shall be payable to the treasurer of the factory in which the cheese were produced and pro-rated among those supplying milk from which the cheese were produced, provided that:

(*a*) if the milk has been purchased outright from the milk suppliers, the amount of premium money received by each supplier shall be shown on each statement furnished to him by the operator of the factory; and

(*b*) the board of directors of a co-operatively owned factory or a majority of the milk suppliers of a cheese factory operating at a fixed rate per pound of cheese manufactured or of a cheese factory

Cheese and Cheese Factory Improvement Act—*concluded*

purchasing the milk outright from the suppliers, may authorize the payment to the maker in charge or the owner of the factory, of a percentage of any premium moneys received.

13. (1) An owner or operator of a cheese factory who receives any grant under section eight of the Cheese and Cheese Factory Improvement Act in respect of cheese manufactured in the factory

(*a*) shall maintain books and records showing the quantities of milk delivered to the factory by or on behalf of the suppliers thereof, together with all returns from the sale of cheese manufactured therefrom, including the grant;

(*b*) shall distribute prior to the thirty-first day of December in each year on a pro-rata basis among those who supplied the milk from which the cheese was manufactured, all grants received during that year;

(*c*) shall not make any misrepresentation or any false statement in any statement or return made by him to any supplier of milk or to the Department of Agriculture, with respect to the quantity, quality or butterfat content of milk received from such supplier, or cheese manufactured therefrom, or the amount received from the sale thereof, or by way of grant;

(*d*) where milk supplied to the factory was purchased from the milk suppliers otherwise than under a co-operative plan, shall send to the Dairy Products Division, Department of Agriculture, Ottawa, not later than the thirty-first day of January of each year, a statement showing the names and addresses of all from whom milk was purchased throughout the previous calendar year and the amount of grant paid to each respectively.

(2) Every person who violates subsection one is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars or imprisonment for a term not exceeding three months or both fine and imprisonment.

14. (1) No premium shall be paid in respect of cheese unless all the provisions of the Dairy Industry Act and the Regulations made thereunder with respect thereto have been complied with.

(2) No premium shall be paid on cheese that is placed in boxes within eight days from the date of manufacture unless immediately after manufacture it is packaged in such a manner that in the opinion of the Minister the development of a rind is not necessary or desirable and it is kept in the ripening room for eight consecutive days.

15. In order to be eligible for premiums on account of quality, invoices in triplicate of all cheese shipped from factories shall be made in the form prescribed by the Minister and two copies of each invoice shall be sent to the purchaser of the cheese except as provided in section 16 hereof.

16. If cheese are sold in such a manner that it is impossible to comply with the provisions of section 15 hereof, application for premium shall be in such form and supported by such information or documents as may be required by the Minister.

17. The Minister may make such orders and give such directions as he may deem necessary or expedient for carrying out the provisions of these regulations.

CHICKS, PRODUCTION AND SALE OF

See LIVE STOCK AND LIVE STOCK PRODUCTS ACT.

CITIZENSHIP

CANADIAN CITIZENSHIP ACT. (1946, c. 15)

The Canadian Citizenship Regulations

P.C. 2886

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 8th day of July, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Secretary of State and pursuant to the provisions of section 39 of the Canadian Citizenship Act, Chapter 15 of the Statutes of Canada, 1946, is pleased to order as follows:

1. The Regulations under The Canadian Citizenship Act, established by Order in Council P.C. 4761 of 19th November 1946, as amended, are hereby revoked; and

2. The attached "The Canadian Citizenship Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

THE CANADIAN CITIZENSHIP REGULATIONS

1. On and after the 1st January, 1947, any person who is not a Canadian citizen or is not otherwise a British subject, or who is not the spouse of and residing in Canada with a Canadian citizen, and who being resident in Canada and desiring to be granted a certificate of Canadian citizenship and having attained the age of at least eighteen years, shall make a signed declaration of intention to become a Canadian citizen. The declaration shall be made under oath in the judicial district in which the applicant resides, and shall be filed in the office of the clerk of the court not less than one nor more than five years prior to the applicant's petition for a certificate of citizenship under section 10 (1) of the Act. The declaration shall be in writing, in duplicate, and shall contain substantially the averments enumerated in Form A of the schedule hereto.

2. To each duplicate of the declaration there shall be attached a true photograph ($2\frac{1}{2}$" x $2\frac{1}{2}$" in size) of the declarant taken within the preceding year; one duplicate shall be posted by the clerk of the court in a conspicuous

Canadian Citizenship Act—*continued*

place in his office continuously for a period of at least three months and the other duplicate shall be forwarded immediately by the clerk of the court to the Secretary of State of Canada with his certificate as to the date on which the declaration was made and filed in the court.

3. The duplicate of the declaration retained by the court shall be forwarded to the Secretary of State of Canada immediately after the three months of its posting, with the certificate from the clerk of the court that it has remained posted as required by Regulation 2.

4. Upon the receipt by the Secretary of State of Canada of the declaration of intention and of the duplicate forwarded by the clerk of the court after posting, with his certificate of posting, the Secretary of State of Canada shall issue an official certificate of receipt. This certificate of receipt shall be in Form B of the schedule hereto and a copy thereof shall be mailed to the declarant at the address given in his declaration. This certificate of receipt shall recite the date of filing the original declaration in the office of the clerk of the court and shall be deemed to be proof of such filing as of the date recited.

Application for a Certificate of Citizenship

5. (1) After the expiration of a period of one year, but not later than five years, following the filing of the declaration of intention, the applicant may apply to the court for a decision establishing that he is qualified and fit to be granted a certificate of citizenship under the provisions of section 10 (1) of the Act. The application may be made to any Judge of the Courts specifically enumerated in the Act, including any Judge of a County or District Court of Ontario in his capacity as a Judge of the Court of General Sessions of the Peace for the County or District. The clerk of the court shall prepare, in duplicate, the petition to the Secretary of State of Canada for citizenship in Form C. The petition shall be signed by the applicant in the presence of the clerk of the court and the affidavit verifying the statements therein contained shall be taken and made before the clerk of the court. One copy of the petition for citizenship shall be retained in the office of the clerk of the court and the other copy shall be forwarded immediately to the Department of the Secretary of State of Canada.

(2) The spouse of a Canadian citizen who is residing in Canada with that citizen may apply as above for a decision establishing that he or she is qualified and fit to become a Canadian citizen without having previously filed a declaration of intention as provided in Regulation 1.

6. At least ten days before the date fixed for hearing the application by the judge, the clerk of the court shall, by registered mail, in Form D-1, notify the applicant of the time when and place where such application shall be heard.

7. On the hearing of an application for a decision that the applicant is qualified and fit to be granted citizenship, the judge may adjourn the application from time to time, and may issue a commission or commissions for the taking of evidence of witnesses unable through disability, illness or other sufficient reason to attend on the hearing, and for such purpose the judge may appoint a commissioner or commissioners. In the event of an applicant having moved to another judicial district prior to the date

Canadian Citizenship Act—*continued*

of hearing, the judge of the judicial district in which the application for a decision was filed may transfer the said petition, and all other papers relating to the application, to the judge of the court of the judicial district in which the applicant resides.

8. (1) At the conclusion of the hearing of the application by the judge, the judge shall endorse upon the petition his decision in the case as to (*a*) residence qualification, (*b*) good character, (*c*) knowledge of English or French, (*d*) intention to reside in Canada, (*e*) knowledge of the responsibilities and privileges of Canadian citizenship, and (*f*) no disability under section 2 (i).

(2) Under Section 10 (1) (*e*) and (*f*) the court may accept as evidence of educational qualification, a certificate of competence when issued by a provincial department of education. Such certification shall be filed with the clerk of the court before the final examination on qualification.

9. Upon the decision of the judge being given, the clerk of the court shall transmit to the Department of the Secretary of State of Canada, by registered mail, the petition to the Secretary of State of Canada, the application and all papers, documents and other proceedings had and taken, together with a certificate of the decision of the court.

10. (1) Upon the decision of the judge having been communicated to him, the Secretary of State of Canada may issue a certificate of citizenship, or he may require that the case be heard again in order to settle any points concerning which he considers that there may be some doubt.

(2) Where the Secretary of State of Canada requires that the case be heard again, he shall forward to the clerk of the court, by registered mail, the application and all other papers, documents and other proceedings had and taken before the court. He shall notify the applicant, by registered mail, of the re-hearing, and the re-hearing shall not be proceeded with until the expiration of at least thirty days after the mailing of the notice. The applicant shall, on a re-hearing, produce to the court such evidence as the court may require that he is qualified and fit to be granted a certificate of citizenship and shall also personally appear before the court for examination. The decision of the court on a re-hearing shall be final and conclusive as regards the application. Upon completion of the re-hearing, the clerk of the court shall follow the same procedure as that set out in Regulation 9.

(3) When a certificate of citizenship has been issued it shall be sent to the clerk of the court, who shall then in Form E notify the applicant of the date upon which he is to appear before the court for the taking of an oath of allegiance, in Form F, and a declaration of renunciation in Form G, and receiving his certificate of citizenship. In the event of the applicant failing to appear before the court on the date mentioned in such notification and his failure to satisfy the court within three months that he was prevented by good and proper reasons from so appearing, his certificate of citizenship shall be returned to the Department of the Secretary of State of Canada. If, within the three months, the applicant satisfies the court as to his reasons for failure to appear on the date previously set, the court may fix a subsequent date for his appearance for the purpose of taking the oath of allegiance and receiving his certificate of citizenship.

Canadian Citizenship Act—*continued*

11. An oath of allegiance, for the purpose of section 36 of the Act, shall be administered in open court before the presiding Judge of the Court in the form of the SECOND SCHEDULE to the Act and a copy of the oath of allegiance, duly signed by the applicant with the certificate of the clerk of the court establishing the taking of the oath in the manner prescribed and the date thereof, shall be forwarded by the clerk of the court, in Form H, to the Secretary of State of Canada who shall thereupon file the said copy and certificate for registration.

12. (1) Any person who is a British subject qualified under the provisions of section 10(2) of the Act and desiring to be granted a certificate of citizenship may apply to the court, as provided by Regulation 5, for a decision establishing that he is qualified and fit to become a Canadian citizen, or alternatively may file his petition with the Secretary of State of Canada. The petition shall disclose all the facts upon which the applicant puts forward his application for a certificate of citizenship. The petition to the Secretary of State shall be in Form I and shall be verified by affidavit attached thereto.

(2) In the case of any British subject with regard to whose qualifications for Canadian citizenship the Secretary of State considers that any doubt exists, he may send the petition and material in support thereof to the clerk of the court in the judicial district in which the petitioner resides and the clerk, or other proper officer, shall by registered letter in Form D-1 notify the petitioner of the time when and the place where his application for Canadian citizenship will be heard, and the case shall be dealt with as an application in accordance with sections 7 to 11 of these Regulations.

(3) Applicants under Regulation 12(1) shall take the oath of allegiance in Form L. The oath of allegiance shall be written by the petitioner (in his own handwriting if he is able to write) upon a form provided by the Secretary of State of Canada and shall be filed with the petition.

13. Any person who is a Canadian citizen by birth, and by residence in Canada or by naturalization in Canada prior to the 1st January, 1947, and desiring to be granted a certificate of proof of citizenship under the provisions of Section 39(i) of the Canadian Citizenship Act, shall file his petition with the Secretary of State of Canada. The petition which shall disclose all the facts upon which the application is based, shall be in Form J and shall be verified by affidavit attached thereto.

APPLICATIONS UNDER SECTION 11(*a*), SECTION 11(*b*) AND SECTION 11(*c*)

14. Certificates of citizenship under the above sections shall be issued by the Secretary of State of Canada upon petition therefor. The petition shall disclose all the facts upon which the applicant puts forward his application for a certificate of citizenship. The petition shall be in Form K with such changes and additions as may be necessary in each case, and shall be verified by affidavit attached thereto.

15. An applicant for a certificate under section 11 (*c*) (person naturalized prior to passing of the Naturalization Act, 1914) shall with his petition forward the certificate of naturalization previously granted to him. If the certificate shall have been lost or destroyed, satisfactory proof of the loss or destruction thereof shall be given.

Canadian Citizenship Act—*continued*

16. When an application is made under section 11 (*c*) by a person who claims to have become a British subject in Canada during minority through his parent's naturalization, the petition shall set out the parent's name, date and place of naturalization, and he shall furnish satisfactory proof of the allegations set out in his application.

17. The applicant under the above sections shall take the oath of allegiance in Form L. The oath of allegiance shall be written by the petitioner (in his own handwriting if he be able to write) upon a form provided by the Secretary of State of Canada, and shall be filed with the petition. If the applicant under section 11(*b*) is under fourteen years of age, he will not be required to take the oath of allegiance.

Minor Child of Person Granted Citizenship

18. A person who has been granted a certificate of citizenship may apply to the Secretary of State of Canada for a special certificate of citizenship for any of his minor children if the person is the responsible parent of the child and if the child was born before the date of the certificate granted to the person and has been lawfully admitted to Canada for permanent residence. The application for a special certificate of citizenship for a minor child pursuant to section 10(3) of the Act shall be in Form M and shall be verified by affidavit attached thereto. The special certificate issued by the Secretary of State of Canada pursuant to section 10(3) shall be in Form N.

Oaths of Allegiance and Affidavits

19. Any oath of allegiance, affidavit or other deposition required by this Act, excepting only the oath of allegiance required by Regulation 11 to be taken in open court, may be taken before any person authorized to administer judicial oaths by the law of the province within which the applicant resides.

Certified Copies

20. A certified copy of a certificate of citizenship, or of an oath of allegiance, under this Act or of a certificate of naturalization under any Statute of Canada heretofore in force, may be issued only by the Secretary of State of Canada, and only if, on petition to him in Form O, supported by an affidavit of the applicant verifying the allegations thereof, he is satisfied that either

(i) the original certificate has been lost or destroyed, or

(ii) special circumstances have been disclosed in which he deems it proper to issue a certified copy.

Registration of Births of Canadian Citizens Outside of Canada

21. (1) A parent desiring to register the birth of a child pursuant to section 5 of the Canadian Citizenship Act shall complete an application for registration in Form P. The application must be completed by the father or the mother.

(2) The parent shall file the application in duplicate in the Office of a Canadian Ambassador or Minister, Canadian Consul or Vice Consul, Canadian High Commissioner or Canadian Trade Commissioner in the country in which the birth took place and in which an appropriate register of births is maintained.

Canadian Citizenship Act—*continued*

(3) The Canadian Government office in which the application is filed shall retain one copy (entering it in an index of birth application forms) and shall send the other copy to the Department of the Secretary of State of Canada, Ottawa.

(4) The Department of the Secretary of State of Canada, if satisfied that the child is entitled to be registered pursuant to section 5 of the Act, shall issue a certificate of Registration of Birth in Form Q and shall send it to the Canadian Government office in which the application was filed for transmission to the applicant. The registration shall not be deemed to be complete until this certificate has been issued.

(5) If the birth took place in a country in which the Canadian Government is not represented by one of the offices listed in paragraph (2) above, the applicant shall send the application form (one copy only) by mail to the Department of the Secretary of State of Canada, Ottawa.

(6) The Department of the Secretary of State of Canada, if satisfied that the child is entitled to be registered pursuant to section 5 of the Act, shall issue a certificate of Registration of Birth in Form Q and shall send it by registered mail to the applicant. The registration shall not be deemed to be complete until this certificate has been issued.

Declarations of Alienage, Extension, Retention, or Resumption of Canadian Citizenship

22. A Declaration of Alienage, Extension, Retention or Resumption of Canadian Citizenship shall be made in the presence of a witness who shall sign the Declaration as a witness and shall verify the execution of the declaration by affidavit, and the person making the declaration shall file an affidavit setting out the circumstances under which the declaration is made.

Declarations of Alienage, Retention or Resumption of Canadian Citizenship shall be transmitted to the Department of the Secretary of State of Canada and shall be filed as of record.

The Declarations referred to herein shall be made in the following forms:—

(*a*) under section 6 of the Act in Form R;
(*b*) under section 17(1) of the Act in Form S;
(*c*) under section 18(2) of the Act in Form T;
(*d*) under section 20 (*f*) of the Act in Form U;
(*e*) under section 23(3) of the Act in Form V.

Time of Extension of Citizenship

23. The consular officers authorized under section 20 (*f*) of the Act to issue certificates of extension of Canadian citizenship to Canadian citizens residing temporarily abroad shall, in the first instance, grant an extension of not more than two years, and not more than one year on each subsequent extension. An endorsement of the extension shall be entered in the certificate of citizenship, or if he has no certificate of citizenship, in the passport of the person to whom the certificate of extension is granted.

Certificates of extension shall be made on Form U, in duplicate, one copy to be retained in the office of the consular officer, and the other copy to be transmitted, by registered mail, to the Secretary of State of Canada.

Court Returns

24. Clerks of the courts authorized to entertain applications in citizenship proceedings shall half-yearly, immediately after the first of January

Canadian Citizenship Act—*continued*

and July in each year, transmit to the Department of the Secretary of State of Canada a statement in Form W of all applications for decisions that applicants are qualified and fit to be granted citizenship, setting out separately the cases in which applications were approved and those in which applications were rejected, and the clerk of the court shall be entitled to the sum of Two Dollars ($2.00) for each return.

SCHEDULE OF FEES

25. Fees shall be paid and shall be appropriated on applications or otherwise under the said Act as follows:—

When payable	Amount	Appropriated to
On filing of Declaration of Intention with Court....	$1.00	Clerk of Court.
On issue of certified copy of Receipt of Declaration of Intention.....	1.00	Department.
On filing application with the court for a decision that the applicant is fit and qualified to be granted a certificate of citizenship.....	5.00	Clerk of Court subject to proviso.
With petition to the Secretary of State of Canada for certificates under sections 10(2), 11*(a)*, 11*(b)* (alien) of the Act.....	5.00	Department.
With petition to the Secretary of State of Canada for a certificate of proof of Canadian citizenship under section 39(i), and for a certificate of citizenship under section 11*(c)*.....	1.00	Department.
With petition to the Secretary of State of Canada for a special certificate of citizenship to a minor child of a person to whom a certificate of citizenship is, or has been granted under this Act.....	1.00	Department.
With petition to the Secretary of State of Canada on behalf of a minor who is a Canadian citizen under section 11*(b)*.....	1.00	Department.
On issue of certified copy of certificate under section 10(3).....	1.00	Department.
On issue of certified copies of certificates under sections 11*(b)* (Canadian), 11*(c)* and 39 (i).....	1.00	Department.
On issue of certified copies under all other sections..	5.00	Department.
On making declaration of alienage, retention, extension or resumption of Canadian citizenship.....	5.00	Department.
On taking of any oath other than that required to be taken in open court before a judge.....	0.50	Person administering oath.

Provided, however, that if in any one calendar year the fees as foresaid received by a clerk of a court exceed Two Thousand Dollars ($2,000), allowance for clerical assistance may be made with the approval of the Governor General in Council out of such excess. Subject to the above allowances all fees in excess shall be transmitted to the Department of the Secretary of State of Canada and shall form part of the Consolidated Revenue of Canada, provided further that fees above appropriated to the Department shall be paid to the Department of the Secretary of State of Canada and shall form part of the Consolidated Revenue of Canada.

In the case of the issue of a certificate of proof of Canadian Citizenship under Section 39(1) of the Canadian Citizenship Act, to an applicant therefor who is a Canadian citizen resident in Germany, the fee of $1.00 as provided in the above-mentioned schedule of fees is waived; such authority to expire on the 1st day of January, 1949.

Canadian Citizenship Act—*continued*

SCHEDULE

CERTIFICATE OF CITIZENSHIP—GENERAL

Number Series A

CANADA

CERTIFICATE OF CANADIAN CITIZENSHIP

Issued under The Canadian Citizenship Act

I, the undersigned, Secretary of State of Canada, do hereby certify and declare that.....whose particulars are endorsed hereon, is a Canadian citizen and that $\frac{\text{he}}{\text{she}}$ is entitled to all rights, powers and privileges and subject to all obligations, duties and liabilities to which a natural-born Canadian citizen is entitled or subject.

In testimony whereof I have hereunto subscribed my name and affixed the Seal of the Department of the Secretary of State of Canada, this.....day of.....19....

This certificate shall be effective on and from.....day of.....

....
Under Secretary of State *Secretary of State of Canada*

CERTIFICATE OF CANADIAN CITIZENSHIP

Particulars of Description

Full Name .....

Address .....

Trade or Occupation.....

Place and Date of Birth.....

.....

$\frac{\text{subject}}{\text{citizen}}$ of .....

Married
Single
Widower (Widow)

Name of $\frac{\text{wife}}{\text{husband}}$.....

Parents $\frac{\text{subjects}}{\text{citizens}}$ of.....

.....

Age.....Years. Height.....Feet.....Inches

Colour ..... Complexion.....

Colour of Eyes.....Colour of Hair.....

Visible Distinguishing Marks.....

.....

....
Countersigned *Registrar of Canadian Citizenship*

(NOTE: The only other certificate of citizenship, that granted to a minor child, appears at page 60 under the heading of Form N).

Canadian Citizenship Act—*continued*

FORM A

This form shall be filed in duplicate; one to be posted for three months in the office of the Clerk of the Court, and the other one to be addressed by the said Clerk to the Secretary of State of Canada.

CANADA

THE CANADIAN CITIZENSHIP ACT

DECLARATION OF INTENTION

I, ...presently

residing at.....having been duly sworn make oath and say:

1. My full and correct name is.....

2. I was formerly known as.....

3. I was born on the.....day of.....19....

at.....
(Place and country of birth)

4. I am a citizen of.....

(*a*) by birth; (*b*) by naturalization.

5. I entered Canada at the port of.....on the.....

day of.....19.... by ss.....

6. I have continued to reside in Canada since arrival except as follows:

from ..... to .....

from ..... to .....

from ..... to .....

My absence from Canada was for the following reasons:

.....

7. My occupation in Canada is.....

My present employer is.....

His address.....

8. My personal description is: Height.....Weight.....

Colour of hair.....Colour of eyes.....

Visible distinguishing marks.....

Married or Single.....

9. The name of my wife (or husband) is.....

Canadian Citizenship Act—*continued*

We were married on the.....day of.....19....

at.....

My wife's (or husband's) citizenship is.....

and she (or he) resides at.....

10. I have the following children under the age of twenty-one:

Name in full	Place and date of birth	Place of residence
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

11. The photograph attached hereto is a likeness of me and was taken within the past year.

12. It is my intention in good faith to become a Canadian citizen and to reside permanently in Canada.

13. I will, before being naturalized as a Canadian citizen, renounce forever all allegiance and fidelity to any foreign sovereign or state of whom or which, at the time of and before being naturalized as a Canadian citizen, I may be a subject or citizen.

That the statements made in the said Declaration are true in substance and in fact.

Sworn before me at the.....
of .....
in the County of.....
and Province of.....
this.....day of.....
A.D. 19....

.....
Signature of Declarant

.....
Notary Public
Commissioner
Justice of the Peace.

Space reserved for pasting photograph of declarant

Canadian Citizenship Act—*continued*

FORM A

DECLARATION OF INTENTION

CERTIFICATE OF THE CLERK OF THE COURT AS TO FILING

The attached Declaration of Intention under Regulation 1 of the Canadian Citizenship Act was made and filed in the office of the Clerk of the.....

on the.....

.....
(Clerk of the Court)

CERTIFICATE OF THE CLERK OF THE COURT AS TO POSTING

The attached Declaration of Intention was posted in the office of the said Clerk of the Court on the aforesaid date, in a conspicuous place, and has remained posted for a period of three months pursuant to the provisions of Regulation 2 of the Canadian Citizenship Act.

Signed at the Court of.....
.....
at .....
this.....day of.....
19....

.....
(Clerk of the Court)

Canadian Citizenship Act—*continued*

FORM B

CANADA

THE CANADIAN CITIZENSHIP ACT

RECEIPT OF DECLARATION OF INTENTION

I, the undersigned, Secretary of State of Canada, do hereby certify and declare that I have received a duplicate of the Declaration of Intention delivered by.....

.....

residing at.....

Province of.....to the Clerk of.....

.....

on the.....

Dated at Ottawa this.....day of..... 19.....

Secretary of State of Canada.

Countersigned.

for Under Secretary of State.

This receipt shall be presented to the Court when applying for citizenship not less than one year, nor more than five years, from the date of the filing of the Declaration of Intention.

Canadian Citizenship Act—*continued*

FORM C

This form shall be filed in duplicate; one to be retained by the Clerk of the Court, and the other to be addressed by the said Clerk to the Secretary of State of Canada.

CANADA

THE CANADIAN CITIZENSHIP ACT

PETITION FOR CITIZENSHIP

To the Secretary of State of Canada:

The Petition of.....

of the.....of.....in

the County of....., in the Province of.....

respectfully sheweth:

1. My name in full is.....
(Use block letters only)

2. My former name was.....

3. My occupation is.....

4. My address in full is.....

5. I was born on the.....day of.....19....,

at....., of.....
(Village, town or city and Post Office) (Province or state)

in .....

6. My nationality of origin is.....

7. My present nationality is.....

8. My parent were $\frac{\text{citizens}}{\text{subjects}}$ of.....

9. I came to Canada from.....and arrived at

the port of.....on the.....

day of.....19....., on the vessel.....

or by the.....Railway, under the name of.....

.....

10. I have resided in Canada for not less than five years within the last six years. During the last six years, I have resided at the places hereinafter named, for the periods therein specified:

.....

.....

.....

(Note: Where the applicant has served outside of Canada in the Armed Forces of Canada during time of war, or where the applicant is the wife of and resides in Canada with a Canadian citizen, he or she is required to have a residence of only one year in Canada immediately preceding the date of filing this petition in order to qualify as to residence.)

Canadian Citizenship Act—*continued*

11. I have resided continuously in Canada for one year immediately preceding the date of this Petition.

12. It is my intention, if my application for citizenship is granted, to reside permanently in Canada, or to enter or continue in the public service of Canada, or a province thereof.

13. I am.....married. My $\frac{\text{wife's}}{\text{husband's}}$ name is..... (Block letters)

..... $\frac{\text{he}}{\text{she}}$ was born at..... $\frac{\text{he}}{\text{she}}$ now resides

at .....

Date and place of marriage.....

*13(*a*). My $\frac{\text{husband}}{\text{wife}}$ is a Canadian citizen by.....

.....

.....

14. I am the responsible parent of.....children under the age of 21 years who are lawfully in Canada for permanent residence. Their names, residences and dates and places of birth are as follows:

(1).....resides at.....

born..... (Date) at ..... (Birthplace)

(2).....resides at.....

born.....at .....

(3).....resides at.....

born.....at .....

(4).....resides at.....

born.....at .....

(5).....resides at.....

born.....at .....

(6).....resides at.....

born.....at .....

(7).....resides at.....

born.....at .....

15. I have an adequate knowledge of the $\frac{\text{English}}{\text{French}}$ language.

16. I am of good character.

17. I am aware that there are responsibilities attached to Canadian citizenship.

18. (*a*) I have not heretofore petitioned for citizenship.

(*b*) I heretofore petitioned for Canadian citizenship or for naturalization as a British subject and an application for a decision that I was entitled to citizenship was heard before the

Judge of the.....Court of.....on the.....

day of.....and my application was refused because

.....

.....

* If the husband or the wife is a Canadian citizen, the applicant should complete 13(*a*), indicating the circumstances under which such citizenship was acquired.

Canadian Citizenship Act—*continued*

19. The following are correct particulars of my description for endorsement on the Certificate of Citizenship.

Age..... years. Colour of hair.....

Colour..... Height ..... feet .....inches

Colour of eyes..... Complexion.....

Visible distinguishing marks.....

Your Petitioner, therefore, humbly prays that a Certificate of Citizenship be issued to him and that the minor children mentioned in paragraph 14 hereof be granted special certificates of citizenship.

20. That the statements made in the said Petition are true in substance and in fact.

Sworn before me at the.....

of .....

in the County of.....

this.....day of.....

A.D. 19....

....

Clerk of the Court *Petitioner*

DECISION OF THE COURT

(Space below reserved for written decision of Judge)

(*a*) Residence qualification—

(*b*) Good character—

(*c*) Knowledge of English or French (or in lieu of knowledge, continuous residence in Canada for more than twenty years.)—

(*d*) Intention to reside in Canada—

(*e*) No disability under Section 2(i) —

(*f*) That he is aware of the responsibilities attached to Canadian citizenship.

....

Date of Decision *Signature of Judge*

Canadian Citizenship Act—*continued*

THE CANADIAN CITIZENSHIP ACT

PETITION FOR CITIZENSHIP

CERTIFICATE OF THE CLERK OF THE COURT

I, ...of the.....

of .....in the Province of.....

....., Clerk of the Court .....

.....do certify that on

the application for a decision of the Court by.....

that he is qualified and fit to be naturalized as a Canadian citizen, His Honour

.....presiding in the Court heard and disposed of the said application and

found as follows:.....

.....

.....

Dated at .....this .....

day of ..... 19 .....

.....

Clerk of the Court

Canadian Citizenship Act—*continued*

FORM D-1

(This Notice shall be mailed by the Clerk of the Court to the applicant at least ten days before the hearing of the application in court.)

CANADA

THE CANADIAN CITIZENSHIP ACT

Notice of hearing to be given by Clerk of Court to Applicant

You are hereby notified that in pursuance of your petition for a decision that you are qualified and fit to become a Canadian citizen, delivered to me dated the.....

day of..... 19..... The Court.....

will hold a sitting at the.....of.....

on the.....day of..... 19....., at the hour of.....

in the.....noon, for the purpose of considering such petition, and you

are required to be present at my office at.....on that date to be examined by the presiding judge with respect to the matter set out in your petition.

Dated at..... this.....

day of..... 19.....

.....
Clerk of the Court

To: .....

.....

.....

Canadian Citizenship Act—*continued*

FORM D-2

CANADA

THE CANADIAN CITIZENSHIP ACT

Notice of re-hearing (Clerk of the Court to applicant)

You are hereby notified that in pursuance of your petition for a decision that you are qualified and fit to become a Canadian citizen, filed on the.....day of.....

19....., in the office of the Clerk of the Court of.....

.....,

your petition has been referred to this Court, by the Secretary of State of Canada, for re-hearing. The Court will hold a sitting at the.....of.....on the.....

day of.....19....., at the hour of..... in the.....

noon, for the purpose of re-hearing your petition, and you are required to be present

at my office at.....on that date to be examined by the presiding judge

Dated at..... this.....

day of..... 19.....

.....
Clerk of the Court

To: .....

.....

.....

Canadian Citizenship Act—*continued*

FORM E

CANADA

THE CANADIAN CITIZENSHIP ACT

Notice to be given by Clerk of Court to Applicant Respecting his Oath of Allegiance, Declaration of Renunciation, and Certificate of Citizenship

---

I hereby notify you that on your petition, a certificate of citizenship has been granted and will be delivered by me to you after you have taken an Oath of Allegiance and a Declaration of Renunciation under this Act, before His Honour.....

Judge of .....

sitting in open court at.....at the

hour of.....on the.....day of.....

.....19....

.....
Clerk of the Court

To:

.....

.....

.....

Canadian Citizenship Act—*continued*

FORM F

CANADA

THE CANADIAN CITIZENSHIP ACT

Oath of Allegiance to be taken in Open Court

The following Oath shall be written out by the affiant on the blank lines below.

I.....of the.....of.....
Swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, his Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen. So help me God.

.....

.....

.....

.....

.....

.....
Signature of applicant

Canadian Citizenship Act—*continued*

FORM G

CANADA

THE CANADIAN CITIZENSHIP ACT

Renunciation of Foreign Nationality

I,.....of.....Province of.....

as promised in my Declaration of Intention filed with the Court of.....

on the.....day of.....19....do hereby renounce forever all allegiance and fidelity to any foreign sovereign or state of whom or which I may at this time be a subject or citizen.

Signed at.....this.....day of.....19....

.....
(Signature of Declarant)

Witness:
Clerk of the Court of.....

FORM H

ATTESTATION OF OATH OF ALLEGIANCE

The above oath of allegiance was taken before Judge.....

in open court, and subscribed by the above named.....

after he had written the same before me at the.....of.....

in the Province of.....this.....day of.....

.....19....

(Signed).....
Clerk of the Court

(If, because of physical disability or for any other reason, the affiant cannot write, the person signing this attestation should set out the reasons thereof.)

Canadian Citizenship Act—*continued*

FORM I

CANADA

THE CANADIAN CITIZENSHIP ACT

PETITION FOR A CERTIFICATE OF CANADIAN CITIZENSHIP BY A BRITISH SUBJECT

Under Section 10 (2) of the Canadian Citizenship Act

To the Secretary of State of Canada:

The Petition of.....of the.....of.....in the County of....., in the Province of..... respectfully sheweth:

1. My name in full is.....
(Use block letters only)

2. My occupation is.....

3. My address in full is.....

*4. I was born on the.....day of.....19.....

at....., of.....
(Village, town or city) (Province or state)

in.....

†5. I am a British subject by.....

.....

.....

.....

.....

6. My parents were $\frac{\text{subjects}}{\text{citizens}}$ of.....

7. I came to Canada from.....and arrived at the port of.....on the..... day of.....19...., on the vessel..... or by the.....Railway.

8. (a) My name above set out is that under which I have been known at all times.

(b) I came to Canada under the name of..... and I am now known under the name above set forth.

9. I have resided in Canada for not less than five years within the last six years. During the last six years, I have resided at the places hereinafter named, for the periods therein specified:

.....

.....

.....

(NOTE: Where the applicant has served outside of Canada in the Armed Forces of Canada during time of war, or where the applicant is the wife of and resides in Canada with a Canadian citizen, he or she is required to have a residence of only one year in Canada immediately preceding the date of filing this petition in order to qualify as to residence.)

---

* Use block letters for place of birth.

† If the petitioner is a British subject by naturalization, his certificate of naturalization should be submitted with this petition.

Canadian Citizenship Act—*continued*

10. I have resided continuously in Canada for one year immediately preceding the date of this Petition.

11. It is my intention, if my application for citizenship is granted, to reside permanently in Canada, or to enter or continue in the public service of Canada or a province thereof.

12. I am.....married. My $\frac{\text{wife's}}{\text{husband's}}$ name is.....

$\frac{\text{She}}{\text{He}}$ was born at..... $\frac{\text{She}}{\text{He}}$ now resides at.....

Date and place of marriage.....

.....

13. I am the responsible parent of.....children under the age of 21 years who are lawfully in Canada for permanent residence. Their names, residences and dates and places of birth are as follows:—

(1).....resides at.....

born .....at.....
(Date) (Birthplace)

(2).....resides at.....

born .....at.....

(3).....resides at.....

born .....at.....

(4).....resides at.....

born .....at.....

(5).....resides at.....

born .....at.....

14. I have an adequate knowledge of the $\frac{\text{English}}{\text{French}}$ language.

15. I am of good character.

16. This application is made for the following reasons:

.....

.....

.....

.....

.....

17. I recognize that if any doubt is considered to exist as to my qualifications for Canadian citizenship, I may be required to appear before the Judge of the court of the Judicial District in which I reside, in order to be examined with regard thereto.

Your petitioner, therefore, humbly prays that a certificate of citizenship be issued to him.

The following are correct particulars of my description for endorsement on the certificate of citizenship:

Age.....years. Height.....feet.....inches

Colour ..... Complexion .....

Colour of eyes ..... Colour of hair .....

Visible distinguishing marks.....

.....

That the statements made in the said petition are true in substance and in fact.

Canadian Citizenship Act—*continued*

Sworn before me at the.....
of .....
in the County of.....
and Province of.....
this.....day of.....
A.D. 19....

.....
Petitioner's signature

.....
Notary Public
Commissioner
Justice of the Peace.

Canadian Citizenship Act—*continued*

FORM J

CANADA

THE CANADIAN CITIZENSHIP ACT

PETITION FOR A CERTIFICATE OF PROOF OF CANADIAN CITIZENSHIP BY A CANADIAN CITIZEN

To the Secretary of State of Canada:

The Petition of.....

of the..... of..... in

the County of....., in the Province of.....

respectfully sheweth:

1. My name in full is.....

2. My occupation is.....

3. My address in full is.....

4. I was born on the.....day of.....19....

at ..... of .....

in .....

5. I am a Canadian Citizen:

(*a*) by birth in Canada;
(*b*) by birth outside Canada;
(*c*) by residence in Canada prior to the 1st January, 1947;
(*d*) by naturalization in Canada;

On the following grounds:

.....

.....

.....

.....

6. My parents were $\frac{\text{subjects}}{\text{citizens}}$ of.....

7. I came to Canada from*.....

and arrived at the port of.....on the.....

day of..... 19..... on the vessel.....

or by the..... Railway.

8. (*a*) My name above set out is that under which I have been known at all times.

(*b*) I came to the Dominion of Canada under the name of.....

.....and I am now known under the name above set forth.

9. I am.....married. My $\frac{\text{wife's}}{\text{husband's}}$ name is.....

$\frac{\text{she}}{\text{he}}$ was born at.....

$\frac{\text{she}}{\text{he}}$ now resides at.....

Place and date of marriage .....

* If the Petitioner was born in Canada he is not required to complete paragraphs 7 and 8(*b*).

Canadian Citizenship Act—*continued*

10. I have.....children under the age of twenty-one years and their names, residences and dates and places of birth are as follows:

(1) ..... resides at.....

born ..... at .....

(2) ..... resides at.....

born ..... at .....

(3) ..... resides at.....

born ..... at .....

(4) ..... resides at.....

born ..... at .....

(5) ..... resides at.....

born ..... at .....

(6) ..... resides at.....

born ..... at .....

(7) ..... resides at.....

born ..... at .....

11. Your petitioner, therefore, humbly prays that a certificate of citizenship be issued to him.

12. The following are correct particulars of my description for endorsement on the certificate of citizenship:

Age .....years. Height..... feet .....inches

Colour ..... Complexion .....

Colour of eyes..... Colour of hair.....

Visible distinguishing marks.....

.....

That the statements made in the said petition are true in substance and in fact.

Sworn before me at the.....

of .....

in the County of.....

and Province of.....

this.....day of.....

A.D. 19.....

.....

Petitioner's signature.

.....

Notary Public
Commissioner
Justice of the Peace

Canadian Citizenship Act—*continued*

FORM K

CANADA

THE CANADIAN CITIZENSHIP ACT
PETITION FOR A CERTIFICATE OF CANADIAN CITIZENSHIP
Under Sections 11 (a); 11 (b); and 11 (c)
of the Canadian Citizenship Act

To THE SECRETARY OF STATE OF CANADA:

The Petition of .....

of the ..... of ..... in

the County of....., in the Province of.....

respectfully sheweth:

1. My name in full is.....

2. My occupation is.....

3. My address in full is.....

4. I was born on the..... day of..... 19....

at ..... of .....

in ....., and I am a $\frac{\text{subject}}{\text{citizen}}$ of .....

5. My parents were $\frac{\text{subjects}}{\text{citizens}}$ of.....

6. I came to Canada from..... and arrived at the port of..... on the..... day of..... 19....., on the vessel..... or by the.....Railway.

7. (*a*) My name above set out is that under which I have been known at all times.

(*b*) I came to Canada under the name of.....

.....and I am now known under the name above set forth.

8. I am.....married. My $\frac{\text{wife's}}{\text{husband's}}$ name is..... (Block letters)

$\frac{\text{he}}{\text{she}}$ was born at..... $\frac{\text{she}}{\text{he}}$ now resides at.....

Date and place of marriage.....

9. Citizenship of $\frac{\text{wife}}{\text{husband}}$ ..... (Give details)

.....

10. (This part to be used only in an application by a person with respect to whose status as a Canadian citizen a doubt exists.)

I hereby apply for a certificate of citizenship under the provisions of Section 11(*a*) of the Canadian Citizenship Act, on the following grounds:—

.....

.....

.....

.....

.....

Canadian Citizenship Act—*continued*

11. (This part to be used only by a minor who has not attained the age of twenty-one years.)

I hereby apply for a certificate of Canadian citizenship under the provisions of Section 11(*b*) of the Canadian Citizenship Act, on the following grounds:—

.....

.....

.....

.....

---

12. (This part to be used only by a person who was an alien and who was naturalized under any Naturalization Act in force in Canada before the passing of the Naturalization Act, 1914.)

(*a*) I was naturalized as a British subject in Canada upon an application therefor to the Court....., application being made under the name of ....., my residence and occupation being ....., and a certificate of naturalization was issued to me which is dated the.....day of....., and is attached hereto.

(If the certificate is lost or destroyed, full particulars of loss or destruction of the certificate should be set out below.)

.....

.....

.....

(*b*) I was naturalized as a British subject in Canada upon an application therefor by my father (or mother).....to the Court of..... and a certificate of naturalization was issued to him (her) which is dated the..... day of.....

NOTE:—If application is made by a person naturalized during minority by parent's naturalization, paragraph (*a*) should be struck out and paragraph (*b*) should be used.

---

13. It is my intention, if my application for citizenship is granted, to reside permanently in Canada, or to enter or continue in the public service of Canada, or of a province thereof.

14. The following are correct particulars of my description for endorsement on my certificate of Canadian citizenship:

Age.....years. Height.....feet.....inches

Colour .....Complexion .....

Colour of eyes.....Colour of hair.....

Visible distinguishing marks.....

.....

.....

Your petitioner, therefore, humbly prays that a certificate of Canadian citizenship may be issued to him.

That the statements made in the said petition are true in substance and in fact.

Canadian Citizenship Act—*continued*

Sworn before me at the.....
of .....
in the County of.....
and Province of.....
this.....day of .....
A.D. 19....

.....
Petitioner's signature

.....
Notary Public
Commissioner
Justice of the Peace.

Canadian Citizenship Act—*continued*

FORM I.

CANADA

THE CANADIAN CITIZENSHIP ACT

OATH OF ALLEGIANCE

(OTHER THAN COURT)

The following Oath shall be written out by the affiant on the blank lines below:

I, ... of the.....
(set out name in full) (City, Town or Village)

of..... (County or District) .....

Swear that I will be faithful and bear true Allegiance to His Majesty King George the Sixth, his Heirs and Successors, according to law, and that I will faithfully observe the laws of Canada and fulfil my duties as a Canadian citizen. So help me God.

.....

.....

.....

.....

.....

.....

.....

.....
Signature of Applicant.

ATTESTATION

The above Oath of Allegiance was made and subscribed by the above named

.....

after he had written the same before me at the .....

of..... in the Province of.....

this..... day of.....19....

(Signed).....

A Notary Public
A Commissioner
A Justice of the Peace.

Retain the appropriate description, strike out the others.

(If, because of physical disability or for any other reason, the affiant cannot write, the person taking the oath should set out the reasons thereof.)

Canadian Citizenship Act—*continued*

FORM M

CANADA

THE CANADIAN CITIZENSHIP ACT

PETITION ON BEHALF OF A MINOR CHILD FOR A SPECIAL CERTIFICATE OF CITIZENSHIP

TO THE SECRETARY OF STATE OF CANADA:

The Petition of .....

of the..... of..... in the County of....., in the Province of..... respectfully sheweth:

My name in full is.....
(Use block letters only)

My address in full is.....

Part 1

I was granted a Certificate of Canadian Citizenship on the.....

at .....

I hereby make application for a special Certificate of Citizenship on behalf of my minor child,.....who was born before the date of the grant of my certificate and has been lawfully admitted to Canada for permanent residence.

Part 2

I hereby make application for a special Certificate of Citizenship on behalf of .....a minor child, under the provisions of section 11 (*b*) of the Canadian Citizenship Act, on the following grounds:

.....

.....

.....

.....

.....

.....

$\frac{\text{His}}{\text{Her}}$ particulars are as follows:

1. Name in full.....

2. Address in full.....

$\frac{\text{He}}{\text{She}}$ was born on the ..... day of..... 19.....

at ..... of ..... in .....

Canadian Citizenship Act—*continued*

4. $\frac{\text{He}}{\text{She}}$ came to Canada from..... and arrived at the port of..... in..... on the .....day of.....19..... on the vessel..... or by the..... Railway.

5. The name above set out is that under which $\frac{\text{he}}{\text{she}}$ has been known at all times.

6. Your Petitioner, therefore humbly prays that a certificate of Canadian Citizenship be issued to the said.....

7. The following are correct particulars of description of the said applicant for endorsement on $\frac{\text{his}}{\text{her}}$ Certificate of Citizenship:

Age..... years. Height..... feet..... inches.
Colour..... Complexion.....
Colour of eyes..... Colour of hair.....
Visible distinguishing marks.....
.....

That the statements made in the said petition are true in substance and in fact.

SWORN before me at the.....
of.....
in the County of.....
and Province of.....
this.....day of.....
A.D. 19.....

.....
Petitioner's signature.

.....
Notary Public
Commissioner
Justice of the Peace.

Canadian Citizenship Act—*continued*

CERTIFICATE OF CITIZENSHIP—MINOR CHILD

FORM N
SERIES M

NUMBER

CANADA

CERTIFICATE OF CANADIAN CITIZENSHIP
Issued under The Canadian Citizenship Act

Special Certificate of Citizenship granted to a Minor Child Whose Responsible Parent is The Holder of a Certificate of Canadian Citizenship.

I, the undersigned, Secretary of State of Canada, do hereby certify and declare that .....
whose particulars are endorsed hereon, is a Canadian citizen and that $\frac{\text{he}}{\text{she}}$ is entitled to all rights, powers and privileges and subject to all obligations, duties and liabilities to which a natural-born Canadian citizen is entitled or subject.

In testimony whereof I have hereunto subscribed my name and affixed the Seal of the Department of the Secretary of State of Canada, this.....
day of.....19.....

This certificate shall be effective on and from.....day of.....

.....
Under Secretary of State

.....
Secretary of State of Canada.

FORM N

CERTIFICATE OF CANADIAN CITIZENSHIP

PARTICULARS OF DESCRIPTION

Full Name.....
Address .....
Occupation .....
Place and Date of Birth.....
$\frac{\text{Subject}}{\text{Citizen}}$ of .....
Name of
Responsible Parent.....
Granted certificate Canadian citizenship at.....
on the.....day of.....19.....
Age .....Years. Height.....Feet.....Inches
Colour ..... Complexion.....
Colour of Eyes.....Colour of Hair.....
Visible Distinguishing Marks.....
.....
.....
Countersigned *Registrar of Canadian Citizenship.*

Canadian Citizenship Act—*continued*

FORM O

CANADA

THE CANADIAN CITIZENSHIP ACT

PETITION FOR A COPY OF A CERTIFICATE OF CANADIAN CITIZENSHIP OR NATURALIZATION

To The Secretary of State of Canada:

The Petition of.....

of the..... of.....

in the County of.....in the Province of.....

respectfully sheweth:

1. My name in full is.....
(write name in block letters)

2. My occupation is.....

3. My Post Office address is.....

4. I was born on the.....day of.....19.....

at the..... of.....

in the..... of.....

and prior to my naturalization in Canada I was a $\frac{\text{subject}}{\text{citizen}}$ of.....

Married .....Single .....Widower (Widow).....

Name of $\frac{\text{wife}}{\text{husband}}$ .....

Date and place of marriage.....

My parents were $\frac{\text{subjects}}{\text{citizens}}$ .....

5. I came to Canada from.....

and arrived at the Port of.....

on the.....day of..... 19.....

on the vessel.....or by the..... Railway.

6. I was granted a certificate of Canadian citizenship (or naturalization) in Canada upon an application therefor made by my $\frac{\text{father}}{\text{mother}}$ or myself.....

.....to whom certificate of naturalization No.....

Series.....was issued on the.....day of.....

7. I hereby apply for a certified copy of the said certificate of citizenship (or naturalization) for the following reasons:—

.....

.....

.....

.....

.....

(N.B. If the original certificate has been lost or destroyed, full particulars of loss and search in last place of deposit of certificate should be set out.)

Canadian Citizenship Act—*continued*

8. The following are correct particulars of my description:

Age.....years. Height.....feet.....inches. Colour.....

Complexion .....Colour of eyes.....Colour of hair.....

Visible distinguishing marks.....

.....

.....

9. The signature hereto is in my hand writing and in my name.

10. The statements made and contained in the Petition are true in substance and in fact.

Your Petitioner, therefore, humbly prays that a copy of the above mentioned certificate of citizenship (or naturalization) may be issued to him/her.

Sworn before me at the.....

of .....

in the County of.....

and Province of.....

this.....day of.....

A.D. 19....

.....
(*Petitioner's Signature*)

.....

Notary Public
Commissioner
Justice of the Peace.

Canadian Citizenship Act—*continued*

FORM P

CANADA

THE CANADIAN CITIZENSHIP ACT

Application for Registration
of a Birth Abroad

I,....., at present residing at.....,
(Street and number) (City or town)
....., do hereby apply for the registration
(Country)
of the child described hereunder as a Canadian citizen born abroad:

1. Full name of child.....
2. Date of Birth..... 3. Place of Birth.....
4. Male or Female..... 5. Was the child born out of wedlock?
6. Place of marriage of parents..... 7. Date.....
8. Full name of father.....
9. Residence of father.....
10. Occupation of father.....
11. Date of birth of father.....
12. Birthplace of father.....

(If the answer to question No. 5 is "Yes", questions 13, 14 and 15 should be completed, substituting the words "mother" for "father", and similar alterations with respect to sex wherever the words appear.)

13. Nationality of father.....

If father is a Canadian citizen other than by birth—

(*a*) Number of Certificate of Naturalization or Citizenship....., Series....., granted at....., Date.....; or

(*b*) Date of entry into Canada as a British subject....., at.....

14. If father is a Canadian citizen other than by birth—

(*a*) Date of last departure from Canada.....

(*b*) Has he been absent from Canada for a continuous period of six years or more since becoming a Canadian citizen?.....

If so, when.....

Did the father lose his Canadian citizenship by reason of such absence? .....

If not, give reason.....

.....

Canadian Citizenship Act—*continued*

15. Passport of father: No. .....

Issued at..... Date of issuance or last renewal .....

16. Full maiden name of mother.....

17. Residence of mother.....

18. Occupation of mother.....

19. Date of birth of mother.....

20. Birthplace of mother.....

21. Normal place of residence in Canada, if any, of

Name of Father .....

Name of Mother .....

22. Name of physician, midwife or other person assisting at birth .....

Address .....

23. Relationship of applicant to child.....

Dated at (place)..... (Date) .....

.....
Signature of Applicant

Registration of Birth Abroad

Instructions to Applicant

1. If there is in the country in which the child was born, a Canadian Embassy or Legation, or a Canadian Consulate or Vice-Consulate, or a Canadian High Commissioner's Office or Trade Commissioner's Office, send two signed copies of the application to that office.

2. If there is no such office in the country in which the child was born, mail one signed copy to the Department of the Secretary of State of Canada, Ottawa.

3. The application will be investigated and, if it is accepted, you will receive a Certificate of Registration of Birth issued by the Department of the Secretary of State of Canada. If it is not accepted, you will be so informed.

Canadian Citizenship Act—*continued*

FORM Q

CANADA

THE CANADIAN CITIZENSHIP ACT

Certificate of Birth Abroad

This is to certify that.....
was registered at the Department of the Secretary of State of Canada, on the.....
day of..... 19..... as a Canadian citizen born abroad and that the following particulars have been recorded in relation thereto:

Date of Birth.....Place of Birth.....

Name of Father .....

Name of Mother .....

Nationality of Father.....

Nationality of Mother.....

(Seal or Stamp of the Department)

....
Under Secretary of State

..... 19.....

Certificate No.....

Canadian Citizenship Act—*continued*

FORM R

CANADA

THE CANADIAN CITIZENSHIP ACT

Declaration of Retention of Canadian Citizenship under Section 6 of the Canadian Citizenship Act

I, ...

of the.....of.....

in the.....of.....

having been born outside of Canada, and having attained the age of twenty-one years, do hereby declare my desire to retain Canadian citizenship.

....

Witness Signature of Applicant

AFFIDAVIT OF DECLARANT

I, ...

of the.....of.....

in the.....make oath and say as follows:—

(1) That I was born at.....in the.....on the.....day of.....19....

(2) That I am a Canadian citizen by birth for the reason that my responsible parent.....was a Canadian citizen (or a British subject) by birth at.....on the.....day of....., or by the grant of a certificate of Canadian citizenship (or naturalization), No..... at.....on the.....

(3) That my responsible parent did not acquire naturalization or citizenship abroad during my minority.

(4) That I was also at birth a national or a citizen of..... and that I have divested myself of the nationality or citizenship of the aforesaid country by filing a declaration of alienage, or by.....

.....

.....

(5) That I have now attained my majority.

(6) That I have made declaration pursuant to Section 6 of the Canadian Citizenship Act that I desire to retain my Canadian citizenship.

.....

Signature of declarant

Sworn before me at the.....

..... of .....

in the Province of.....

..... this .....

day of .....

.....

Signature of official before whom affidavit taken.

Canadian Citizenship Act—*continued*

FORM S

CANADA

THE CANADIAN CITIZENSHIP ACT

Declaration of Renunciation of Canadian Citizenship under Section 17(1) of the Canadian Citizenship Act

I, ...

of the.....of.....

in the.....being a

Canadian citizen, and being also held under the law of.....

to have been at birth, or during my minority, or by marriage, and still to be a $\frac{\text{subject}}{\text{citizen}}$

of....., do hereby renounce my Canadian citizenship

and declare that it is my desire to be considered and treated as a $\frac{\text{subject}}{\text{citizen}}$ of.....

....

Witness Signature of Applicant

AFFIDAVIT OF DECLARANT

I, ...

of the.....in the.....

make oath and say as follows:—

(1) That I was born at.....in

the.....on the.....day of.....

but that at my birth, or during minority, or by marriage, I was also a $\frac{\text{subject}}{\text{citizen}}$ of

.....

(2) That I attained my majority on the.....day of.....

(3) That I have made a declaration, pursuant to Section 17(1) of the Canadian Citizenship Act, that I desire to renounce my Canadian citizenship.

.....

Signature of Declarant

Sworn before me at the.....

..... of .....

in the Province of.....

..... this .....

day of.....

.....

Signature of official before whom affidavit taken

Canadian Citizenship Act—*continued*

FORM T

CANADA

THE CANADIAN CITIZENSHIP ACT

Declaration of Resumption of Canadian Citizenship under Section 18(2) of the Canadian Citizenship Act

I, ...

of the.....of.....

in the....., my responsible parent having ceased to be a Canadian citizen, do hereby declare that I desire to resume Canadian citizenship.

....

Witness Signature of Applicant

AFFIDAVIT OF DECLARANT

I, ...

of the.....of.....

in the.....make oath and say as follows:—

(1) That I am the $\frac{\text{son}}{\text{daughter}}$ of.....

who has ceased to be a Canadian citizen.

(2) That I attained my majority on the.....day of.....

(3) That I have made a declaration pursuant to Section 18(2) of the Canadian Citizenship Act, that I desire to resume Canadian Citizenship.

.....

Signature of Declarant

Sworn before me at the.....

..... of .....

in the Province of.....

..... this .....

day of.....

.....

Signature of official before whom affidavit taken

Canadian Citizenship Act—*continued*

FORM U

CANADA

THE CANADIAN CITIZENSHIP ACT

Certificate of Extension of Canadian Citizenship under section 20(f) of the Canadian Citizenship Act

I, ...

officer in charge of the Canadian (British) Consulate* at.....

in.....hereby certify that.....

a Canadian citizen by.....

or by naturalization at.....on the.....,

certificate number.....appeared before me prior to the expiration of the period of six years' residence outside Canada, as prescribed in Section 20 of the Canadian Citizenship Act and established:—

(i) That his absence from Canada was of a temporary nature, and

(ii) That he intended in good faith to return to Canada for permanent residence as a Canadian citizen.

Therefore, the Canadian Citizenship of the said.....

has been extended from.....to....., and an endorsement of this extension has been entered in $\frac{\text{his}}{\text{her}}$ certificate of Canadian citizenship (or passport).

.....
Signature of Officer

Dated at.....

this day of.....

19 .....

---

* ("Consulate" means the office of a Canadian consular officer and includes the office of a Canadian Ambassador, Minister or High Commissioner or of a Canadian Trade Commissioner; and includes the office of a consular or other officer of any other country of the British Commonwealth where a register of births is kept.)

Canadian Citizenship Act—*continued*

FORM V

CANADA

THE CANADIAN CITIZENSHIP ACT

Declaration of Renunciation of Canadian Citizenship under Section 23(3) of the Canadian Citizenship Act

I, ...

of the.....of.....

in the.....

being the lawful wife of.....

who has ceased to be a Canadian Citizen (or a British subject) by reason of.....

.....

.....

.....

do hereby renounce my Canadian Citizenship (or my status as a British subject.)

....

Witness:— (Signature of Declarant)

AFFIDAVIT OF DECLARANT

I, ...

of the.....of.....

in the.....make oath and say as follows:—

1. That I am the lawful wife of.....

.....

who was a Canadian Citizen (or a British subject) by birth at.....

of.....in the.....

or by naturalization at.....

on the.....

Certificate number.....who has ceased to be a Canadian Citizen

(or a British subject) by.....

.....

.....

2. That I have made a declaration pursuant to Section 23(3) of the Canadian Citizenship Act that I renounce my Canadian Citizenship (or my status as a British subject).

.....

(Signature of Declarant)

Sworn before me at the.....

..... of .....

in the Province of.....

this.....day of.....19....

.....

(Signature of official before whom affidavit taken)

Canadian Citizenship Act—*concluded*

FORM W

CANADA

THE CANADIAN CITIZENSHIP ACT

Half Yearly Return of Clerk of Court

Office of the Clerk of the....., Court,

County of.....Province of.....

.....19....

The Secretary of State of Canada,

Ottawa, Ontario.

SIR—In compliance with Regulation 23 under the Canadian Citizenship Act, I submit the following return of all applications for citizenship made to the..... court, showing in schedule,

1. The names, addresses, former nationality and date of decision that the applicants are fit and qualified to be granted certificates of citizenship.
2. The names, addresses, former nationality and date of decision that the applicants are not fit and qualified to be granted certificates of citizenship, with the reason therefor.

Yours truly,

.....
Clerk of the Court

FORM W

THE CANADIAN CITIZENSHIP ACT

Schedule 1, Form W.

Name	Address	Former Nationality	Date of Decision

FORM W

THE CANADIAN CITIZENSHIP ACT

Schedule 2, Form W.

Name	Address	Former Nationality	Date of Decision

CIVIL AVIATION

See AERONAUTICS ACT.

CIVIL SERVANTS WIDOWS ANNUITIES ACT, 1927. (1926-27, c. 74)

No statutory orders or regulations have been made under this statute.

CIVIL SERVICE ACT. (R.S.C., 1927, c. 22)

See also PREVAILING RATE EMPLOYEES.

The Civil Service Regulations

P.C. 5700

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and pursuant to the provisions of section five of the Civil Service Act, Revised Statutes of Canada, 1927, chapter 22, is pleased to order as follows:

1. The regulations heretofore made by the Civil Service Commission and approved pursuant to section five of the Civil Service Act are hereby revoked; and

2. The annexed regulations entitled the "Civil Service Regulations" made by the Civil Service Commission pursuant to section five of the Civil Service Act, are hereby approved and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

CIVIL SERVICE REGULATIONS

DEFINITIONS

1. These Regulations may be cited as the Civil Service Regulations.

2. In these Regulations,

(*a*) "Act" means the Civil Service Act;

(*b*) "Civil Service", "Public Service", and "Service" means the Civil Service of Canada;

(*c*) "Commission" means the Civil Service Commission;

(*d*) "eligible list" means a list of persons found qualified by examination by the Commission for appointment to or promotion in the Service;

(*e*) "examination" means any test, written, manual, or oral, or in the form of a demonstration of skill or physical fitness, or a record of performance, or any combination of these, held by the Commission to establish a list of persons eligible for appointment or promotion;

(*f*) "part-time position" means a position requiring only part-time service for the fulfilment of its duties;

Civil Service Act—*continued*

(*g*) "permanent position" means a position the duties of which are regarded by the department and the Commission as being of continuous indeterminate duration;
(*h*) "Regulations" means these Regulations;
(*i*) "seasonal position" means a position where the nature of service is such that it is not continuous through the year, but recurs in each successive year;
(*j*) "temporary position" means a position the duties of which are regarded by the department and the Commission as being not of continuous indeterminate duration.

3.
4.
5. Spares
6.

EXAMINATIONS

7. No person shall be admitted to an examination until he has filed an application, under oath, upon the form and in the manner prescribed by the Commission, and until he has satisfied the Commission that his age, health, citizenship, residence, habits, and moral character are satisfactory, and has furnished such proof as may be required.

8. (1) Except as provided in this Regulation, no person shall be declared eligible for appointment to a position in the Civil Service until he has satisfied the Commission that he was within the prescribed age limits on the closing date for the receipt of applications in the competition.

(2) Age limits shall not apply to:
(*a*) Disability pensioners who meet the requirements of section 29 (2) (*a*) of the Act, and veterans provided such persons are, in the opinion of the Commission, of an age to satisfactorily perform the duties of the position and give promise of being able to continue to do so for a reasonable period after appointment.
(*b*) Permanent employees who, when first appointed, were not older than the maximum age prescribed for the position for which the examination is being held.

(3) The age limits may be waived when qualified candidates within the prescribed age limits are not available.

(4) The age limits for admission to examinations for the classes mentioned shall be as indicated in each case:
(*a*) Office Boys and Office Girls—sixteen to eighteen years.
(*b*) (i) Clerks, Grade 1—seventeen to twenty-one years;
(ii) Stenographers, Grades 1 and 2A, Typists, Grades 1 and 2A, and Office Appliance Operators, Grades 1 and 2A,—seventeen to forty years;
(iii) Clerks, Grade 2A—eighteen to forty years.
(*c*) Cleaners and Helpers, Packers and Helpers, Watchmen, Elevator Operators, Customs Guards, Messengers, Immigration Guards—eighteen to fifty years.
(*d*) Customs Excise Officers—twenty-one to forty-five years.
(*e*) Immigration Inspectors—twenty-five to forty years.

(5) The age limits for all other classes shall be such as, in the opinion of the Commission, are best designed to meet the needs of the Public Service at the time of the examination.

Civil Service Act—*continued*

9. Veterans of World War I who were domiciled in Canada at the date of enlistment, veterans of World War II, and widows of veterans who were domiciled in Canada at the date of their husbands' decease, who are natural born or naturalized British Subjects or Canadian Citizens, may be admitted to all examinations without regard to length of residence in Canada.

10. In cases where in the judgment of the Commission the public interest renders such action necessary, persons may be admitted to examinations for rural postmasters despite the fact that they may not be British Subjects, nor have resided in Canada for five years.

11. In cases where, after due publicity, the Commission has been unable to secure an adequately qualified applicant with the necessary five years' residence in Canada, persons may be admitted to examination despite the fact that they have not resided in Canada for five years, provided they are otherwise qualified under the Act and Regulations.

12. Veterans who are duly qualified as to residence in Canada, but who are not Canadian Citizens or natural born or naturalized British Subjects, may be admitted to examination provided that they satisfy the Commission that they have made formal application not later than the closing date for the receipt of applications in the competition, to become British Subjects or Canadian Citizens, provided, further, that no such applicant shall receive an appointment to the Civil Service until he shall have become a British Subject or a Canadian Citizen.

13. Unless the requirements of the position demand otherwise, applicants of both sexes may be admitted to any examination.

14. The Commission may refuse to examine an applicant, or after an examination, certify an eligible who is found to lack any of the established preliminary requirements for the examination or position for which he applies, or is physically so disabled as to be rendered unfit for the performance of the duties of the position in which he seeks employment, or has been dismissed from the Public Service for delinquency or misconduct, or has made false statement of any material fact, or practised or attempted to practise any deception or fraud in his application or examination or in securing his eligibility.

15. (1) Candidates at examinations may be required to pay such fees for admission thereto as may be ordered by the Commission.

(2) The fee for all examinations shall be payable by the candidates when making application for examination. Should any candidate after making application and paying the required fee be unable to write on the examination, one-half of the fee shall be returned. If, however, a candidate notifies the Commission before an examination is held that he will be unable to present himself owing to illness or for any other cause, the fee in full shall be refunded. Provided that where an examination is held at a centre for not more than three candidates, no fees shall be refunded to any candidate failing to present himself for examination.

(3) Veterans, widows of veterans, and such pensioners as meet the requirements of paragraph (*a*) of subsection 2 of section 29 of the Act, shall not be required to pay a fee for admission to any examination.

(4) Before any appointment shall become effective, the person to be appointed shall satisfy the Commission in the manner and on the form prescribed by the Commission as to his physical fitness for such appoint-

Civil Service Act—*continued*

ment. The fee for such physical examination shall be $3, except when the person to be appointed undergoes the complete medical examination required for the purpose of taking out Civil Service Insurance, when the fee shall be $5.

16. In all examinations weights shall be assigned to each subject to represent their respective relative values in determining the fitness of applicants.

17. General competitive examinations to establish eligible lists for the clerical and lower grade classes of positions shall, when required, be held in the months of May and November, and other examinations may be held from time to time as occasion arises.

18. The general competitive examinations shall be held at the following places (provided that not less than three candidates make application to write at the same place):—

Prince Rupert, Victoria, Vancouver, Nelson and Nanaimo, in the province of British Columbia; Edmonton, Calgary and Lethbridge, in the province of Alberta; Saskatoon, Regina, North Battleford, Prince Albert and Moose Jaw, in the province of Saskatchewan; Brandon and Winnipeg, in the province of Manitoba; Port Arthur, Sault Ste. Marie, North Bay, Windsor, Sarnia, London, Woodstock, Hamilton, Toronto, Peterborough, Kingston, Ottawa, Guelph, Kitchener and Brantford, in the province of Ontario; Montreal, Sorel, Chicoutimi, Sherbrooke, Three Rivers, Quebec, Rivière-du-Loup and Rimouski, in the province of Quebec; Fredericton, Chatham, Saint John and Moncton, in the province of New Brunswick; Charlottetown and Summerside, in the province of Prince Edward Island; Yarmouth, Halifax, Sydney, Kentville, Truro, Bridgewater, Antigonish and Wolfville, in the province of Nova Scotia. Examinations may also be held at other places where there is a sufficient number of candidates to justify the same.

Provided that where competitive examinations are required involving technical or scientific subjects and necessitating the use of scientific apparatus, it shall not be necessary to hold such examinations at each of the above places but the Commission shall, as far as possible, arrange for at least one place in each province where such examination may be taken.

19. Any subject of any examination may be written in either English or French at the option of the candidate, but the choice of language must be made at the time of application.

20. (1) Where the appointment of a postmaster in any of the smaller offices throughout the Dominion is required, the Commission shall, through the responsible official of the Post Office Department, institute inquiries in the locality in which the appointment is to be made, with a view to securing a suitable person, suitably located, for such position, and, having made a selection and having satisfied themselves that such person possesses sufficient education to enable him to efficiently discharge the duties of the position and that he is duly qualified as to health, character, and habits, the certificate required for his appointment shall be issued.

(2) Where such procedure, for sufficient reason, is considered inadvisable in the public interest, the Commission shall invite applications for the position by public advertisement, in the locality in which the appointment is to be made, and shall select from among those applying the person

Civil Service Act—*continued*

who, in their judgment, is best qualified for the position. For the purpose of such selection, the Commission may make such inquiries and hold such an examination or test to determine the qualifications of the person or persons so applying as they may deem necessary.

21. The procedure outlined in subsection (2) of section 20 shall be observed in the filling of any positions for which a suitable candidate cannot be secured from the list established by means of the several examinations prescribed by these Regulations, and for any other position for which, in the opinion of the Commission, local competition, but not necessarily written examinations, seems the most desirable and practicable means of selection.

22. In all cases where an examination is provided for under any statute for any special position, or positions (such as lay inspectors, veterinary inspectors, egg inspectors, grain inspectors, steamship inspectors, cullers, public analysts, inspectors and assistant inspectors of electricity), such examinations shall be held under the direction of the Commission and successful candidates appointed in order of merit in accordance with the Act and the present Regulations. These special competitions shall include such academic subjects, technical papers, or practical tests as may be agreed upon between the departments and the Commission, and shall be of such a character as shall best determine the qualifications of the applicant for the position to be filled.

23. Each examiner appointed by the Commission shall take and subscribe the following oath of office:—

I, A.B., do solemnly promise and swear that I will not reveal to any one the questions prepared by me for any Civil Service examination and that I will take all possible care to ensure that they be kept secret while they remain in my hands. That if I make a translation of the questions, I will not show it to any unauthorized person. That I will not keep a copy of my questions and that if I memorize them, or any of them, I will not, directly or indirectly do or say anything that would lead an unauthorized person to gain a knowledge of them.

I do, furthermore, solemnly promise and swear that I will correct the examination books sent me with all possible care and to the best of my ability, without any favouritism or discrimination.

So help me God. Signature.....

Sworn before me at .....on the.....

day of.....19....

Signature.....

Title.....

24. Each examiner in each subject shall submit to the Commission with his returns a schedule showing how he has apportioned the marks for the different questions and especially showing how he has marked typical partial answers.

25. If the Commission requires the services of any officer in any department in connection with any appointment or promotion to be made to the Public Service, or any other matter coming under the jurisdiction

Civil Service Act—*continued*

of the Commission, such officer shall hold himself in readiness to co-operate with the Commission and shall place his services at the disposal of the Commission in any way and at any time.

26. (1) Supervisors at written examinations shall be paid in accordance with the following scale of fees:—

Presiding Supervisors,	per day	$12.00
	per half day	6.00
Assistants,	per day	6.00
	per half day.....	3.00

(2) There shall be a presiding supervisor in each separate examination hall which shall thereby constitute an examination centre, and, where the number of candidates at any centre exceeds twenty-five, an assistant supervisor may be appointed for such additional number up to twenty-five, and other additional assistants may be appointed in like proportion where the number of candidates exceeds fifty. In all cases where such an arrangement can be made, the Commission shall be empowered to contract with an educational institution for a flat rate to cover the rental of halls and the services of supervisors, provided that in no case shall such flat rate exceed the amount which the Commission would be called upon to pay for rental of halls and for supervising services if separate accounts were rendered.

(3) Examiners shall be paid such fees as are regarded by the Commission as commensurate with the services rendered.

27. Within one month after the publication of the results of any examination, any candidate who considers that his answer papers have not been correctly rated, may make application to the Commission to have such papers reread. Such application must be accompanied by a fee of the amount paid by the candidate at the examination. In cases where the appeal is sustained, the fee will be returned.

28. The answer papers of all candidates at any examination, after being rated by the examiner, shall be retained by the Commission for a period of six months from the date of publishing the results, and may then be destroyed.

29. (1) The eligibility of persons who have passed, prior to June 1, 1918, Civil Service examinations provided for under any statute, or who were exempt from examination under such statute, shall be considered as having lapsed, except in the case of the following classes of persons:—

(*a*) Persons who have been on active service overseas in the military or naval forces of His Majesty, or of any of the Allies of His Majesty, during the war, who have left such service with an honourable record, or who have been honourably discharged, or widows of persons who have served as aforesaid and who have died owing to service overseas.

(*b*) Persons now employed in a temporary capacity in the Civil Service, who have been thus employed continuously since November 10, 1919.

(2) To be eligible under the present section graduates of Canadian universities and of the Royal Military College must have registered their diplomas with the Commission, or the Department of the Secretary of State, not later than February 12, 1918.

Civil Service Act—*continued*

(3) Persons mentioned under (1) (*a*) and (*b*) may be placed on the list of persons eligible for permanent appointment to any class of position for which their examinations, in the opinion of the Commission, qualify them, provided they are otherwise qualified under the Act and the Regulations at the time of their appointment.

30. The names of persons placed upon eligible lists under the provisions of section 28 of the Act, shall be placed in the order of merit above all successful candidates at the examinations and above persons whose names are placed upon the eligible lists under the provisions of section 54 of the Act.

31. Eligible lists shall expire one year after the date of establishment, except in cases where in the opinion of the Commission the public interest will be served by the continuance of the list. The eligibility of persons whose names appear on an eligible list and who are not reached for employment before the date on which the list expires will lapse with the expiration of the list, but persons whose names have been reached in order of merit for regular employment during the life of the list and who have accepted appointment when offered and have not voluntarily left the Service shall retain their eligibility provided that satisfactory service has been rendered while in employment. Provided that any person who has been called out or enlisted for military service in the war which commenced on September 1, 1939, and, who, within six months of the date of demobilization, applies to the Commission for appointment, shall be considered as retaining his eligibility for any position for which he was considered eligible at the date of such military enrolment, provided that his conduct in the Forces has not been such as to make him unworthy of consideration.

APPOINTMENTS

32. A successful competitor at any examination held under the direction of the Commission for employment in the Civil Service who declines to accept an appointment when it is offered him, shall forfeit all future right to such appointments, and his name shall be removed from the eligible list unless he offers, in the judgment of the Commission, good and sufficient reason for his action, or unless he has in advance waived appointment for a period and for reasons satisfactory to the Commission in which case his name may remain upon the eligible list in the order of merit.

32A. If an appointment is required in a locality where both English and French are spoken, and the deputy head of the department in which the appointment is to be made advises the Commission that a knowledge of both English and French is required for the proper performance of its duties, the Commission shall appoint to the position a person who possesses such qualifications.

33. The Commission may select for any office or employment any person who is a successful competitor for higher office or employment; provided that such person relinquishes his claim to appointment in the higher grade; and provided that no such selection shall be made to the prejudice of any person on the list of successful competitors for such lower office or employment.

34. No permanent appointment shall be effective prior to the date on which the eligibility of the person appointed was established and approved by the Commission.

Civil Service Act—*continued*

35. Any employee who (1) has given continuous satisfactory service for a period of at least one year in the grade to which appointment is proposed, (2) has passed the necessary examination for such permanent appointment not less than one year previously, and (3) is reached among those employed within his unit in order of merit on the eligible list, if desired by his department, and if a permanent position is available, may be certified as permanent by the Commission.

Note:—For the period up to March 31, 1950, the words in (1) "in the grade to which appointment is proposed" are deleted, and (3) is amended as follows: "is reached on the eligible list among those employed within the unit in the grade to which appointment is proposed, may, if desired by his department, and if a permanent position is available, be certified as permanent by the Commission".

36. No married woman whose husband is living shall be eligible for appointment to the Public Service; provided that any married woman judicially separated from her husband shall be deemed to be unmarried and to have the same right to employment as a single woman.

Provided, further, that when the Commission reports that the supply of experienced help for any particular kind of work is not sufficient to meet the demands of the Public Service, a married woman may be certified for temporary employment.

Provided, further, that where it can be established by a married woman that her husband, through illness or other cause, does not provide sufficiently for her or their dependent children's maintenance, and cannot be made to do so, such married woman may be certified for permanent or temporary employment.

Provided, further, that where, in the opinion of the Commission, it would be desirable or necessary, and in the best interests of the Public Service, to employ a married woman or to employ husband and wife together, such married woman may be certified to by the Commission for permanent or temporary employment.

TEMPORARY EMPLOYMENT

37. Assignments for temporary employment shall be made, whenever possible, from the list of persons eligible for permanent employment. When, however, these lists are insufficient to meet the needs of the Service for temporary assistance, the Commission may hold competitive examinations for temporary employment, or may select in order of merit persons who have filed applications for temporary employment with the Commission.

38. The acceptance or refusal of temporary employment shall not affect the rights of an eligible for permanent appointment.

39. Where the department desires to extend the employment of persons engaged under the provisions of section 39 of the Act, beyond the thirty or ninety day period, as the case may be, the appointing officer shall be required to submit a recommendation to this effect, to the Commission, accompanied by the following declarations:

(*a*) That the appointment was necessary for the efficient carrying on of the work of the department;

(*b*) That the selection was made without reference to personal or political considerations and strictly on the merit principle as between persons applying or available for the position;

Civil Service Act—*continued*

(*c*) That, in the selection of the appointee, every consideration was given to veterans, widows of veterans, and to those pensioners who meet the requirements of paragraph (*a*) of subsection 2 of section 29 of the Act.
(*d*) That such persons satisfied the department as to their qualifications;
(*e*) That they were suitable as to age, character, and habits;
(*f*) That the salary or wages paid were fair and reasonable and did not exceed the rates approved by the department.

40. No person shall be temporarily employed for longer than six months except in cases where the employee is qualified by examination for permanent appointment to the position occupied, or where no eligibles are available for permanent appointment to the position, or where the Commission considers it to be in the interests of the Service that the temporary employment of the incumbent should be continued, and in cases of extension beyond six months the temporary position will not be continued unless authorized by the Governor in Council.

SEASONAL EMPLOYMENT

41. All positions in the Civil Service where the nature of service is such that it is not continuous through the year, but recurs in each successive year, shall be designated as "Seasonal Positions", and shall be subject to the provisions of the Regulations applicable generally to positions to be filled by open competition, including preference to veterans if such are qualified and available. Positions under the Board of Grain Commissioners may be considered seasonal where the nature of the service is such that it is not continuous over a period of years, but depends upon the conditions surrounding the movement of the grain each year.

42. Any person selected for appointment to a seasonal position as a result of success at an open competition therefor, shall be certified by the Commission for seasonal employment and all those for whom seasonal certificates have been or shall be issued, shall be considered eligible for re-employment from year to year without further certification. Persons who have not been selected by open competition may be appointed temporarily to seasonal positions in the absence of suitable eligibles but shall receive only a certificate of temporary employment and shall not be considered eligible for re-employment in the succeeding year without the issue of a further certificate.

43. Seasonal employees shall be considered eligible for annual increase in salary as provided by section 14 of the Act.

44. Seasonal employees may be granted leave of absence for one season and still retain their eligibility for seasonal employment and for annual increase, but those who abandon their positions or fail to report in any one season, without having first secured the necessary leave of absence, shall be considered as having lost their eligibility.

45. Seasonal employees may be considered eligible to enter promotion competitions for permanent full time positions.

46. The departments shall notify the Commission of the return of seasonal employees to duty after each period of lay-off, showing the name, classification, and position reference number of each employee with the date of re-employment.

Civil Service Act—*continued*

TRANSFERS

47. The word "transfer" shall be held to mean a change from one position to another position in the same class, or a change from a position in one class to a position in another class with the same or a lower maximum compensation and shall apply only to permanent employees.

48. All transfers shall be subject to the approval of the Commission, except where a transfer is within the same department and no change in classification or residence is involved. In the latter cases, the deputy head may authorize the transfer which shall be reported immediately to the Commission.

49. Where a transfer is recommended to a position in another class, the Commission shall satisfy itself that the employee whose transfer is recommended has suitable qualifications for the position to which his transfer is recommended.

50. Where a transfer is recommended which involves a change of residence or a change from one department to another, the deputy head of the department where the vacancy exists shall be required to satisfy the Commission that the transfer will not jeopardize the rights of junior employees to promotion, or that it is in the best interests of the Service that the position be filled by transfer rather than by promotion.

51. Where the approval of the Commission is required to effect a transfer, a request shall be submitted on the prescribed form signed by the deputy head of the department where the transfer is within a department, or by the deputy heads of both departments where the transfer is from one department to another.

52. (1) Where an employee's salary at the date of transfer is less than the minimum salary of the new class his salary on transfer shall be the minimum of the new class.

(2) Where an employee's salary at date of transfer is at a rate within the salary range of the new class, his salary on transfer shall be at the same rate.

(3) Where an employee's salary at date of transfer is not at a rate within the salary range of the new class, his salary on transfer shall be at the next higher rate within the range of the new class.

(4) Where an employee's salary at date of transfer is greater than the maximum of the new class, his salary on transfer shall be the maximum of the new class or at such rate within the salary range of the new class as may be agreed upon by the Commission and the department concerned.

53. Where an employee's salary upon transfer is adjusted in accordance with the provisions of section 52 (1), (2), or (3), the date of his next increase shall be governed by the provisions of section 82.

54. Where a private secretary to a Minister of the Crown, who is a permanent employee of the Civil Service, vacates his position as private secretary, he may be considered eligible for transfer to any position in the Public Service for which, in the judgment of the Commission, his qualifications and previous experience qualify him, provided that the minimum salary of the new position shall not exceed the maximum salary, less allowance, of the class in which the transferee now is.

Civil Service Act—*continued*

PROMOTIONS

55. Spare.

56. Requisitions for the filling of vacancies in permanent positions in the Service shall include a statement from the deputy head of the department as to whether or not, in his opinion, it is consistent with the best interests of the Service that the vacancy should be filled by promotion, and, if so, to what groups or classes the competition should be restricted.

57. Promotion examinations may be limited to such services or classes or to such organization units, departments, or parts of the Service as the Commission deems advisable.

58. Promotion examinations shall be given due publicity by the Commission in the units, branches, or departments within which the competitions are to be held.

59. Promotion examinations may include practical, oral, or written tests, or be of such other nature as will, in the opinion of the Commission, best determine the relative qualifications of the candidates and their fitness for the position to be filled. The factors to be considered shall be seniority and efficiency in the Service, and fitness to perform the duties of the vacant position, but the marks given for efficiency and seniority shall not exceed one-half of the total marks that can be obtained at the examination.

60. Promotion examinations shall be open to permanent employees only.

61. The assignment of a permanent employee to a higher position in the Service, whether as the result of success at an open competitive examination, or at a promotion examination, shall be treated as a promotion.

62. A promotion shall become effective from the date of the Commission's approval, or, if the person selected by the Commission for promotion is certified by the department to have been performing the duties of the position, from the day on which he first took over the duties, provided that it shall not ante-date the day on which the Commission was asked by the department to fill the vacancy, nor the last day for which the name of the previous incumbent appeared on the payroll.

63. The salary rate upon promotion shall be the minimum rate prescribed for the new position, except where the person selected for promotion is already receiving a higher rate, in which case he shall be promoted at the same rate as he is receiving, or if there be no such rate for the new class, then at the next higher rate.

64. (1) Permanent employees who have qualified for a higher class by open competitive examination may be promoted to vacancies in their own departments, without further competition, in the order in which their names appear on the eligible lists, without waiting until their names have been reached for assignment.

(2) Where an employee is so recommended for promotion out of the order in which his name appears on the eligible list, a comparative rating shall be made by the Commission of the employee recommended and all other permanent employees in the same department whose names appear ahead of his on the eligible list. If such rating shows that the employee recommended by the department is the best qualified for the position which requires to be filled, his promotion may be approved.

Civil Service Act—*continued*

LEAVE OF ABSENCE

65. The words "officer, clerk, or employee" include both permanent and temporary employees.

66. The word "day" means a working day.

67. Sick leave may be granted under the following conditions to employees, who, through illness, are incapacitated for duty:

(*a*) Sick leave credit may accumulate at the rate of one and one-half days for each complete month of continuous service, deduction therefrom being made for any period of sick leave which is granted with pay. When the sick leave credit is exhausted, no further paid leave may be allowed.

(*b*) Sick leave may be granted only on the production of satisfactory evidence of the inability of the employee to perform his duties, in the form of a written declaration from the employee in cases where the absence has not exceeded three days and a certificate from a qualified medical practitioner where the absence has exceeded three days, such certificate to be submitted within seven days of beginning of absence. Provided that, if in exceptional cases it may be considered advisable to take administrative action on evidence in a form other than the certificate of a duly qualified medical practitioner the matter shall be referred, with full particulars, by the department concerned to the Department of National Health and Welfare, for consideration and advice. It shall be competent for any deputy minister to reduce the number of days' absence for which a medical certificate will be required if it appears to him to be in the best interests of his department to do so.

(*c*) Sick leave with pay, within the limits laid down under paragraph (*a*) may be granted by the deputy head of the department, but not continuously in excess of two months. Any longer periods which are found to be necessary shall be referred to the Commission for its approval.

(*d*) All medical certificates required under this section shall be referred to the Department of National Health and Welfare for review.

68. (1) Leave of absence may be granted with pay by the deputy head of a department to any employee on account of injury accidentally received in the performance of his duties and not caused by negligence on the employee's part, if application for such leave is properly supported by a certificate from a qualified medical practitioner. Provided that in all cases where an award for temporary disability is made to the employee in connection with such injury under the provisions of The Government Employees Compensation Act, 1947, by a Workmen's Compensation Board, the employee shall not be entitled to or receive salary in the amount of such award if such award is paid to the employee. Provided, further, that when a judgment or settlement is obtained by an employee against a person other than his employer, allowing damages for such injury, the amount received, other than for permanent disability, by the employee thereunder in excess of the actual medical, surgical, hospital, or other expenses incurred (as demonstrated by accounts submitted to his department), but not exceeding the amount received by the employee as salary shall be refunded by the employee to the Receiver General or deducted by his department from instalments of his future salary.

Civil Service Act—*continued*

(2) Leave of absence may be granted, with pay, by the deputy head of the department to any employee engaged on the investigation of radioactive minerals, such leave not to exceed one full working day in each week of continuous employment on such work. Such employees may also be granted a period of three weeks' absence in each year in addition to the eighteen days annual leave authorized by section 46 of the Act.

69. (1) Special leave with pay may be granted by the deputy head to employees who have the necessary special leave credit, for certain designated causes such as illness in the family, death in the family, quarantine, etc., but not continuously in excess of six days except with the approval of the Commission. For this purpose special leave credit may accumulate at the rate of one-half day for each completed month of continuous service up to a maximum of thirty days, deduction therefrom being made for any period of paid special leave. When the leave credit is thus reduced, it may again commence to accumulate until the maximum of thirty days is reached, but no employee shall at any time have more than thirty days' leave to his credit. Special leave with pay shall be granted only on the production of a written application from the employee, setting forth in detail the reasons why he considers that paid leave should be allowed and supported by such evidence as the deputy head may require; provided that in all cases of illness in family in excess of one day, a medical certificate shall be furnished.

(2) Causes for which special leave may be allowed shall be designated by the Commission and communicated to the departments.

69A. Casual absences (which are defined as absences of three days' duration or less and which are covered by the employee's declaration only) shall not be allowed with pay in excess of eight days in any fiscal year on account of the illness of an employee or on account of illness in family. If the eight day limit is exceeded, a medical certificate shall be furnished, otherwise, no further pay will be allowed for such absences unless, on the employee's written request, they are charged to annual leave, provided that, if in exceptional cases it may be considered advisable to take administrative action on evidence in a form other than the certificate of a duly qualified medical practitioner the matter shall be referred, with full particulars, by the department concerned to the Department of National Health and Welfare, for consideration and advice.

69B. (1) Sick leave accumulated under the provisions of paragraph (*a*) of section 67 of these Regulations may be allowed as earned.

(2) Special leave shall not be allowed during the first six months' service except as provided in subsection (3) of this section, but special leave shall be allowed to accumulate during that time and may be applied to the credit of employees at the expiration of the six months' service.

(3) An employee whose household has been placed under quarantine and who is forced to be absent from work by order of the Medical Health Officer in accordance with the laws regarding communicable diseases, may be granted special leave with pay during the first six months' service to the extent of his accrued special leave credit.

(4) Except as provided in subsections (1) and (3) of this section, no employee shall be granted leave with pay of any kind during the first six months of service.

(5) In the case of persons employed by the season the second and succeeding seasons shall be considered as continuous service for the purpose of this section.

Civil Service Act—*continued*

69C. Furlough leave up to a limit of thirty days may be granted by the deputy head of the department with the approval of the Commission, to permanent employees who have completed twenty years of continuous service, provided the employee has not been granted leave for an extended trip within the preceding ten years, and provided also that he has thirty days' accumulated special leave to his credit; furlough leave not, however, to be charged against this credit. Leave under this section may be granted only in cases where a certificate is furnished by the deputy head of the department that the employee concerned has rendered meritorious service and has had a satisfactory leave record. Furlough leave in all cases shall be taken in one continuous period.

69D. (1) Notwithstanding any other Regulations regarding leave, educational leave may be granted as provided hereunder.

(2) Where, after the provisions of the Regulations have been carried out, it has not been found possible to obtain a qualified person for a specialized position, and it is considered by the Commission that an employee could, after further special training at a university, perform the duties of the position efficiently, such employee may be selected by the Commission and, if he is willing to undertake the training, he may be directed by the deputy head to attend the necessary university course and shall, while in attendance at the university, be given leave of absence with pay at the rate he would otherwise receive. Provided, however, that

(*a*) the provisions of this section shall apply in exceptional circumstances only, and only after the Commission is satisfied that the position cannot be filled by any other practical means.

(*b*) such leave of absence with pay may be granted for a period of one year or less, but further leave with pay may be granted if, in the opinion of the Commission, it is in the best interests of the Service.

(3) Where courses are provided at a university as refresher courses, or courses of special instruction to benefit civil servants, and the deputy head considers that the work of the department would be rendered more effective by the attendance of selected employees at such courses,

(*a*) leave of absence with pay for a period up to three months may be granted, on the written request of the deputy head to the Commission.

(*b*) the tuition fees of the selected employee may be paid as required.

(*c*) the living expenses of the employee may be paid while he is in attendance at the university.

(4) On the recommendation of the deputy head and with the approval of the Commission, leave without pay for the purpose of attending university may be granted to selected permanent employees and temporary employees, who have had at least one year's continous service, if:

(*a*) arrangements are made for the continuance of the employee's work.

(*b*) it is considered in each case that the proposed university course would be of material assistance to the employee in increasing his efficiency and gaining his advancement in the Service.

(5) The deputy head may grant leave of absence with pay to selected, qualified employees to attend scientific and professional conventions and all or part of the expenses of the employee may be paid, provided that the convention is considered to have a training or educational value for the employee concerned.

Civil Service Act—*continued*

70. All leaves of absence granted during the preceding calendar month by the deputy head of a department, and all absences without leave during the preceding calendar month shall be reported to the Commission on the 15th day of each month, a duplicate of this report being attached to the pay list as required by the Auditor General.

71. No leave of absence with pay except such as may be granted by or under statutory authority or under section 68 (2) of these Regulations shall be granted to employees who are receiving prevailing rates of pay.

72. (1) Employees who are transferred from one department to another may carry their leave with them subject to the convenience of the department to which they have been transferred; such employees upon leaving a department shall obtain a statement of the balance of the leave to which they are entitled for presentation to their new department.

(2) When an employee who has hitherto been occupying a position in the Government Service not subject to the provisions of the Act is brought under the Act by new appointment without any break in service, the whole period of the employee's service which has been continuous shall be taken into consideration by the Commission for the purpose of furnishing the employee with appropriate leave credits in accordance with these Regulations.

73. (1) The Commission on the recommendation of the deputy head of the department may grant retiring leave to permanent employees as provided in this section for a period not exceeding the unexpended portion of the employee's accrued sick and special leave.

(2) A person who has served in the Civil Service for ten years or upwards and

(*a*) who being a contributor to the Retirement Fund under Part II of the Superannuation and Retirement Act, Chapter 17, R.S.C. 1906, is about to be retired on account of age, abolition of position, or ill health, provided that in the latter case the necessity for retirement be certified by the Department of National Health and Welfare in the form of Schedule "J" prescribed by the regulations established under the Civil Service Superannuation Act, or

(*b*) who being a contributor as defined in the Civil Service Superannuation Act has served in the Civil Service for ten years or upwards and

(i) who has attained retirement age, or

(ii) who before attaining retirement age becomes disabled or incapable of performing the duties of his office, or

(iii) who became a contributor before the 15th of August, 1944, and who before attaining retirement age is retired from the Civil Service by reason of the abolition of his office, or

(iv) who became a contributor on or after the 15th day of August, 1944, and who before attaining retirement age is retired from the Civil Service by reason of the abolition of his office,

may be granted retiring leave as provided in subsection (4) of this section.

(3) A permanent employee who had been laid off and who has been reappointed on a permanent basis to another position in the Civil Service may be granted retiring leave based on his service since the date of reassignment or any unused portion of the retiring leave granted at the time of lay-off whichever may be the greater. Provided that if the employee is

Civil Service Act—*continued*

retired before reaching the age of sixty years for any reason other than age, abolition of position, or ill health, retiring leave shall be granted in accordance with the provisions of subsection (5) of this section.

(4) (*a*) Persons who have served continuously for at least ten years and not more than fifteen years may be granted retiring leave for a period not exceeding three calendar months.

(*b*) For each additional five year period of service or portion thereof, an additional calendar month of retiring leave may be granted up to a maximum of six months.

(5) In all other cases the maximum retiring leave which may be granted shall be sixty days.

(6) Retiring leave shall not be granted to persons who are retired on account of inefficiency or misconduct.

(7) Retiring leave shall expire automatically should the retiring employee be re-employed in the Civil Service.

74. Leave without pay may be granted by the deputy head of the department for periods of not more than one month, and by the Commission for periods of over one month. All applications for leave without pay over one month must be recommended by the deputy head of the department, with a certificate that the interests of the Service are conserved thereby or that the said leave is necessary as an extension of sick leave beyond the limits of leave with pay.

75. Vacation leave must be taken during the year in which it is earned with the following exceptions:—

(*a*) Employees in outlying districts where geographic conditions render it impossible to take leave in each year, may be allowed to accumulate vacation leave until such time as the department is prepared to allow the full amount to be taken.

(*b*) Where the exigencies of the Public Service make it impossible or inexpedient for a department to grant to an employee the full amount of vacation leave for which he is eligible in any year, the deputy head may request the employee in writing to forego such leave or any part thereof for that year and, in such case, may authorize the leave or part thereof to be added to the employee's leave for the next fiscal year but no addition of more than eighteen days shall be made to the vacation leave of an employee in any one fiscal year under this paragraph.

(*c*) If, in the opinion of the Commission, certain cases merit more generous treatment in the way of accumulation of vacation leave, provision therefor may be made by the Governor in Council on the recommendation of the Commission.

76. Leave obtained fraudulently will be considered as sufficient ground for the deputy head of the department to recommend the dismissal of the employee from the Service.

SALARY INCREASES

77. Salary increases under section 14 of the Act shall be granted by the deputy heads to such employees only as occupy positions to which the provisions of the Act apply.

78. (1) Recommendations for salary increases shall be submitted by the branch heads to the deputy minister at any time within the three months immediately preceding the quarterly date on which they fall due,

Civil Service Act—*continued*

with a signed statement that the employees concerned have rendered meritorious service and have increased their usefulness in the Service, and also with a report on the efficiency of the employees on the standard Efficiency Report Form prepared by the Commission. The Efficiency Report shall be made by the immediate supervisor of the employee, reviewed by the head of the branch or division in which the employee works, and finally reviewed by the departmental personnel officer and certified by the deputy minister or an officer authorized by him to act in his behalf.

(2) The Commission shall be furnished with a copy of the Efficiency Report for any employee whose increase is not granted on the date it would ordinarily fall due. In such case the employee shall be advised by the department that increase is not granted and he may appeal to the Board of Review, Civil Service Commission, Ottawa. The appeal must contain definite and specific reasons for the belief of the employee that he has not been rated fairly.

79. No newly appointed employee shall be considered to be eligible for salary increase until the then or next ensuing quarterly date one year from the date of appointment except where otherwise expressly provided.

80. (1) No employee shall be granted an increase who has not been on active duty for at least ten months subsequent to the date of his last increase. If an employee has been absent from duty for two months immediately preceding the date on which his increase would ordinarily have fallen due, and is still absent on that date, such increase shall be withheld until the then or next ensuing quarterly date after his return to duty.

(2) Absences for the purposes of subsection (1) of this section shall not be deemed to include absences on account of—

(i) Annual leave.
(ii) Furlough leave under section 69C of these Regulations.
(iii) Injury leave under section 68 of these Regulations.
(iv) Special leave either with or without pay under the provisions of P.C. 1/2728 of July 10, 1947.

81. An employee whose salary increase is not granted by the deputy head on the date on which it would ordinarily fall due owing to the fact that the employee has been absent, or has not rendered meritorious service and is not considered to be deserving of increase, may, after sufficient service, or if his services improve sufficiently, be granted salary increase at some succeeding quarterly date, but the quarterly date of future increases shall be thereby changed so that the increase will fall due in each succeeding year on the quarterly date from which it was last granted.

82. (1) An employee who has not reached the maximum of his class and who is promoted or reassigned to a higher class shall be considered eligible for salary increase on the date on which it would have fallen due prior to promotion or reassignment, provided that the said promotion or reassignment has not given him an increase equal to or greater than the increase for which he would have been eligible in his former class. If an increase is received in connection with promotion or reassignment which is equal to or greater than the increase for which he would have been eligible in the former class, such employee shall not be considered eligible for salary increase until the then or next ensuing quarterly date one year from the date of promotion or reassignment.

Civil Service Act—*continued*

(2) (*a*) An employee who has been at the maximum of his class for one year or more, and who, upon promotion or reassignment, has received an increase which is equal to or greater than the rate of increase for his new class shall not be considered eligible for further salary increase until the then or next ensuing quarterly date one year from the date of promotion or reassignment.

(*b*) An employee who has been at the maximum of his class for less than one year and who is promoted or reassigned to a higher class shall be considered eligible for salary increase one year from the date of his last increase provided that the said promotion or reassignment has not given him an increase equal to or greater than the rate of increase for his new class. If an increase is received in connection with promotion or reassignment which is equal to or greater than the rate of increase for the new class, such employee shall not be considered eligible for salary increase until the then or next ensuing quarterly date one year from the date of promotion or reassignment.

(3) Where the compensation of a class has been increased but no promotion or reassignment certificate is required, employees shall be treated in accordance with the principles laid down by subsections (1) and (2) of this section.

(4) When the salary range of a class has been revised, an employee who was at the former maximum of the class and whose salary has been adjusted to the new maximum shall, for the purpose of promotion or reassignment, be considered as having reached the maximum of his class on the date on which he proceeded to the former maximum, provided that the said revision has not given him an increase equal to or greater than the new rate of increase for the class. If an increase is received in connection with the said salary revision which is equal to or greater than the new rate of increase, such employee shall be considered as having reached the maximum of his class on the effective date of the revision of the salary range.

83. Employees occupying part-time positions shall not be considered eligible for annual increase under the provisions of section 14 of the Act, but the rate of compensation for such positions shall be determined by the Commission and the department concerned, the computation being based upon the hours of service and the duties performed, and no change shall be made in the fixed rate unless a corresponding change has taken place in these determining factors.

84. Supernumerary employees shall not be considered eligible for annual increase, under the provisions of section 14 of the Act, but an employee who is transferred from the supernumerary staff to a position on the regular establishment shall be considered eligible for annual increase on the then or next ensuing quarterly date after the completion of twelve months' service in such position, including all service since the date of last increase both prior and subsequent to his inclusion in the supernumerary list.

OVERTIME

85. For positions other than where the compensation is an hourly or daily rate of pay, additional remuneration may be provided for work performed outside of prescribed working hours only on the request of the department to the Commission. The Commission, after investigation and if concurring in the request of the department, will submit such request to the Governor in Council for approval.

Civil Service Act—*continued*

85A. (1) This Regulations (which became effective on January 1, 1949) applies to overtime worked by all employees except

(*a*) employees in receipt of hourly or daily rates of pay;

(*b*) employees of the House of Commons, Senate, or Library of Parliament;

(*c*) employees for whom compensation for overtime is specifically provided under the provisions of section 86 or other recognized authority.

(2) Employees to whom this Regulation applies shall be compensated by additional leave for overtime worked in accordance with the following conditions:

(*a*) that the overtime work was performed on the written instructions of an official authorized to give such instructions by the deputy head, with the concurrence of the Commission;

(*b*) that in the case of an employee required to register daily the time of his arrival and departure and in receipt of a salary not exceeding $3,180 per annum, the period of overtime work is not less than one hour and was worked either on a statutory holiday (or other day declared a holiday by competent authority) or on a normal working day following a meal interval of at least one hour after normal working hours;

(*c*) that in the case of an employee earning over $3,180 or who is not required to register daily the time of his arrival and departure, the period of overtime work was not less than three hours and was performed on a statutory holiday (or other day declared a holiday by competent authority);

(*d*) that the time of arrival and departure for such overtime work is properly recorded.

(3) Leave may be granted to employees in compensation for overtime worked in accordance with subsection (2) at the rate of one-half day's leave for each three hours' overtime, and this leave may be used, for the same purpose and subject to the same conditions, including provision for carry-over between departments, as vacation leave, sick leave, or special leave. This additional leave in compensation for overtime work may be used for vacation leave during the fiscal year in which the overtime is worked and the following fiscal year, and may be used for sick leave or special leave at any time up to the date of separation from the Service.

(4) At the time an employee separates from the Service by resignation, retirement, or for any reason other than misconduct, overtime leave available for use as vacation leave, in accordance with subsection (3), may be treated as outstanding vacation leave, and overtime leave available for sick or special leave, in accordance with subsection (3), may be used for the purpose of qualifying for retiring leave under section 73.

(5) Each department shall furnish the Commission with a report in approved form in the months of January and July each year, showing for each employee the amount of overtime work recorded and overtime leave utilized during the preceding six months.

(6) Any accumulated leave credits, earned prior to January 1, 1949, in accordance with departmental policy, which had not been expended on that date, may be carried forward and the liquidation of these credits shall be subject to the same conditions as those that were in force in the departments prior to January 1, 1949.

Civil Service Act—*continued*

85B. Employees of the Unemployment Insurance Commisison working in offices designated as "local offices" and employees of other departments working in such offices as may be designated by the Civil Service Commission, who

(*a*) are in receipt of salary at a rate not exceeding $3,180 per annum, and

(*b*) are required to register daily the time of their arrival and departure, shall be subject to the provisions of section 85A of these Regulations with the exception that, with respect to such employees, it shall not be required that overtime on a normal working day be preceded by a meal interval of at least one hour.

86. (1) This section applies to

(*a*) employees of the Customs and Excise Divisions of the Department of National Revenue in classes the maximum salary rate of which does not exceed the maximum salary rate of the class Customs Excise Superintendent, Grade 2, and

(*b*) employees of the Immigration Branch of the Department of Mines and Resources, in classes the maximum salary rate of which does not exceed the maximum salary rate of the class Supervising Immigration Inspector, Grade 1,

who perform duties directly related to outside examination or inspection and to

(*c*) employees of the Excise Division of the Department of National Revenue who are required to perform duties at any premises licensed under the Excise Act.

(2) For time worked on statutory holidays, other than Sunday, each employee shall be paid at the overtime rate specified in subsection (7).

(3) For time worked in excess of an employee's basic daily working hours, an employee shall be granted equivalent time off. If equivalent time off cannot be granted before the end of the month following the month in which the overtime is worked, each employee shall be paid for such overtime at the rate specified in subsection (7). Except for employees in premises licensed under the Excise Act, no officer holding a supervisory position in which he is responsible for the decision to work overtime shall be compensated for overtime as described in this subsection. Inside employees shall receive equivalent time off or payment for overtime only if one hour or more has elapsed between the close of their basic daily working hours and the time they are called out for overtime work.

(4) For the purposes of this Regulation, the basic daily working hours shall be deemed to be

For Outside Employees—eight hours per day for a consecutive period of five days, followed by one day of four hours.

For Inside Employees—six and one-half hours per day for a consecutive period of five days, followed by one day of four hours.

(5) Notwithstanding subsections (2) and (3) of this section, employees who work in offices at which no more than two officers are employed may be compensated for overtime services on the following basis:

(*a*) For time up to eight hours worked on statutory holidays, other than Sundays, and on the scheduled weekly day of rest, an employee may be paid at the hourly rate represented by his annual salary rate divided by 2288.

Civil Service Act—*continued*

(*b*) As compensation for hours of work beyond those considered normal for each office, an employee may be allowed compensatory leave not exceeding four hours per week. If it is not possible to grant such leave prior to the end of the month following the month in which the overtime is worked, an employee may be paid for such leave, not exceeding four hours per week, at the rate specified in paragraph (*a*) above.

(6) (*a*) Except as provided in (*b*) below, only a period of one hour or more shall be counted as overtime and the total length of each period of overtime shall be calculated to the nearest half hour.

(*b*) When an employee is called back to work overtime which is not commenced within the hour preceding or the hour following scheduled working hours, the employee shall be credited with a minimum of two hours of overtime.

(7) The rate at which payment is made for overtime shall be the hourly rate equivalent of each employee's basic annual salary. The hourly rate equivalent shall be calculated by dividing the basic annual salary by 2288.

(8) Notwithstanding the provisions of the preceding subsections an employee entitled to compensation for overtime may elect to have such compensation in the form of additional sick leave without limit and in form of additional annual leave up to an amount of six days. Conversion of overtime to sick leave or annual leave credits shall be at the rate of one day's leave for each eight hours of overtime.

(9) In the months of January and July of each year, each department concerned shall submit to the Commission, on the forms provided for that purpose, details of overtime worked and liquidated during the previous six months in accordance with the provisions of this section.

Working Hours and Attendance Records

87. Attendance books, automatic time-registers, or other approved system of recording attendance shall be used in every department. Every officer in charge of a division, or branch, shall be responsible to the deputy head for the proper keeping of the attendance records and the observance of the Regulations in this respect.

88. (1) From September 1 to June 30 the hours of attendance to be observed by officers or employees not exempted by law or not subject to special Regulations in this regard shall be from 9 a.m. until 5 p.m. each day except Sundays and recognized holidays, except also Saturdays when the hours shall be from 9 a.m. until 1 p.m. During the months of July and August, provided Parliament is not in session, the hours of attendance for those days for which no special provision is made shall be from 9 a.m. until 4 p.m. In the case of mechanics, tradesmen, or unskilled labourers, the hours of attendance shall be as far as possible those prevailing in the locality for that class of labour and shall be such as are prescribed by the deputy head.

(2) Where the nature of the work or the exigencies of the Service will not admit of the general observance of the hours of attendance prescribed in the preceding subsection by an officer or employee, or a group of officers or employees, it shall always be competent for a deputy head to fix such hours of attendance to meet such cases as he may find necessary in the public interest.

Civil Service Act—*continued*

89. One and one-half hours shall be allowed daily for luncheon, from 12.30 p.m. to 2 p.m. or at such other time as the officer in charge may for good and sufficient reasons determine. Whenever the nature of the work or the exigencies of the Service render it advisable, and in the case of mechanics, tradesmen, and unskilled labourers, the time allowed for luncheon may be less than an hour and a half and shall be as prescribed by the deputy head.

90. Every officer or employee under the rank of a deputy minister, except those in exempted positions as set forth in section 91, shall register daily in person the time of his arrival and departure.

91. Each deputy head shall submit for the approval of the Commission a list of positions of an executive or administrative nature the incumbents of which, in his opinion, should be exempt from the operation of section 90, setting forth the reasons for asking exemption in each case; and the approved list of such positions shall be held to constitute the only exception to the Regulations regarding the registering of attendance. Any additions to this list shall be submitted and approved in a similar manner.

92. Registers shall be accessible to officers and employees before and up to the time set for arrival and then closed; provided, however, that it shall be competent for a deputy minister to give instructions to officers in charge of attendance records to approve late arrivals in emergency cases where a sufficient excuse is offered. The registers shall not be accessible for recording departures until the proper time for ceasing work.

93. (1) Any officer or employee who arrives late shall report himself to the officer in charge of the division or branch, and shall register the time of his arrival. A report shall be made to the deputy head with respect to the conduct of any officer or employee who

(*a*) fails to give a satisfactory explanation when he is late; or
(*b*) is habitually irregular in the time of his arrival; or
(*c*) absents himself without leave during office hours.

(2) Such reports shall be open to inspection by the Commission when required and shall be taken into consideration in connection with the promotion or salary increase of the employees concerned. It shall be competent for a deputy head after consultation with the Commission to fix a penalty to be imposed in his own department in all cases where employees are reported against under the above heads.

94. (1) No employee shall be absent from duty unless reasonable cause be shown. If any employee be prevented by illness or other emergency from attending to duty, he shall immediately furnish an explanation of his absence, which shall at once be reported to the deputy head. Such employee must furnish such evidence of his illness, or the existence of such emergency, as the deputy head may consider necessary. If any employee absents himself without authority, or, if no satisfactory explanation is given by him for such absence, the deputy head may deduct from the salary of such employee his pay for each of such absences.

(2) The duties of any absent employee shall be performed by his fellow employees in such manner as the officer in charge of the division or branch may authorize or direct.

(3) Employees shall perform duty beyond the usual hours when required by the officer in charge of the division or branch to which they belong. Whenever it may be necessary to bring up arrears, or carry out

Civil Service Act—*continued*

any emergency work, the staff dealing with such work, or at the discretion of the deputy head, or the officer in charge of the branch, the whole staff shall be retained after the ordinary office hours until such work is completed.

LAY-OFFS

95. When an employee holding a permanent position that is to be abolished or which is no longer required is to be laid off, the deputy head of his department shall at once notify the Commission thereof, giving the name, age, classification, and length of service of such employee, together with the date at which his lay-off is to become effective, with a statement as to whether or not he is being laid off in good standing. Such notice shall specifically state whether the employee has been rendering efficient service or otherwise and whether or not the deputy head recommends him as efficient and fit for re-employment. A statement of the duties being performed by such employee at the time of lay-off shall also be furnished by the department in cases where they differ materially from the duties of the class as outlined in the classification schedule.

96. Permanent employees who are laid off in good standing and whose efficiency and fitness for re-employment have been certified by the department in accordance with the provisions in the preceding section shall be placed on an eligible list for the class of position which they were occupying or for any other class for which they may have qualified before the date of lay-off, above all other eligibles, and shall be ranked according to their length of service. Permanent employees who are not so specially recommended shall not be considered as being laid off in good standing and shall not be entitled to have their names placed on such eligible list.

97. Should the deputy head of a department not recommend any employee so laid off as efficient and fit for re-employment he shall notify both the employee and the Commission to this effect. Such employee shall have the right to appeal to the Commission against the recommendation of the deputy head and the Commission may, after such investigation as it shall deem necessary, place the employee's name on an eligible list for re-assignment if the appeal is sustained.

98. Permanent employees who have been laid off and who are re-appointed to the Public Service in any capacity shall be appointed at the minimum salary rate provided for the class to which they are appointed, and their retiring allowance, if any, shall thereupon cease. Provided that an employee who is being retired from a department in good standing and qualified to have his name placed upon an eligible list, if assigned to a similar position in another department within the period during which leave of absence has been allowed him on retirement, may, at the option of the department to which he is assigned, be regarded as a transfer and placed in the same grade in the range of compensation of the class as that in which he was in the department from which he had been retired.

99. Continuity of service in the case of a permanent employee who has been laid off in good standing and re-appointed to another permanent position in the Civil Service, shall be reckoned from the date of the first permanent appointment, deduction being made for the period under lay-off.

Civil Service Act—*continued*.

GENERAL

100. A permanent employee who has been laid off in good standing shall be eligible, whether before or after reassignment to another department, to enter promotion competitions thrown open to the whole service, provided that such promotion competition is held within twelve months from the date of lay-off of such employee.

RESIGNATIONS

101. The resignation of any employee shall be submitted in writing to the deputy head of the department accompanied by an application for such retiring leave as the employee may be entitled to receive. If the resignation is accepted the deputy head shall forward same to the Commission with a recommendation for the amount of retiring leave which he is disposed to allow, and upon the Commission's acknowledgment of same, the resignation shall be held to become effective at the expiration of the period of retiring leave approved.

102. An employee may, with the approval of the deputy head, withdraw his resignation at any time during the period of retiring leave, provided that he makes a refund of the salary which he has received while on such leave, but after the expiration of the full period of retiring leave, the employee can no longer be considered eligible for reinstatement.

103. Any employee absent from duty without leave for a period of two weeks shall be held to have abandoned his position which shall thereby become vacant, and if the department desires, immediate steps may be taken to fill the same.

104. The written resignation of an employee shall be submitted to the department at least two weeks in advance of the time when the employee desires to cease duty, otherwise the employee's claim to retiring leave may be considered as forfeited.

105. (1) All communications from the various departments of the Public Service to the Commission, respecting appointments, classification, promotion, increase of salary, transfer, or other change in status of employees, shall be made only by the deputy heads of the respective departments, or by such persons (not exceeding one in any department) as they may especially authorize, and shall be brought to the immediate attention of the Minister of the department concerned.

(2) Except as provided in subsection (1), no person shall, directly or indirectly, solicit, or endeavour to influence a member of the Commission, or any officer thereof, with respect to the appointment of any person to the Service, or with respect to the promotion or transfer of, or an increase of salary to, any officer, clerk, or employee in the Service.

(3) Any person who, directly or indirectly, solicits, or endeavours to influence a member of the Commission or any officer thereof, in favour of his appointment, promotion, transfer, or increase of salary, shall be deemed to be unworthy of such appointment, promotion, or increase, and it shall not be accorded him, and if he is employed in the Civil Service, he shall be liable to immediate dismissal.

106. (1) Except in the case of vacancies created by death, resignation, or other causes which do not involve any addition to the staff, no application shall be made to the Commission for the creating or filling of a new per-

Civil Service Act—*continued*

manent position until approval of such addition to the staff has been obtained from the Governor in Council. When approval has been obtained, as above provided, application may then be made to the Commission for the classification and filling of the position.

(2) Where a new temporary appointment is required, or the continuance of a temporary position beyond what appears to be a reasonable time, the Commission may require the department to obtain the authorization of the Governor in Council for such addition to the staff or for the continuance of position before a certificate is issued.

107. Upon receipt of a requisition from a department for the appointment of additional personnel at the seat of government, the Commission, when it considers such action to be in the public interest, shall invite applications from the permanent employees of the headquarters of the various departments at Ottawa, and shall also communicate to the deputy heads of the departments the nature of the position to be filled and the qualifications required therefor, requesting the names and particulars of service of any efficient employees who could be spared for transfer, and who appear to possess the necessary qualifications for the position or positions. A period of five days shall be allowed for the filing of applications and for the receipt of replies from the deputy heads.

108. The qualifications of such applicants, together with their length of service and efficiency records, shall be examined by the Commission in conjunction with the department concerned, and the candidate found to possess the qualifications most suitable for the vacant position shall be seconded or loaned to the department where the vacancy exists for such probationary period, not exceeding two months, as may be necessary, provided that preference shall be accorded to such persons as may be dealt with under the provisions of sections 47 to 54 of these Regulations.

109. During the probationary period the position occupied by such person in his former department shall remain vacant, and if after probation he is found unsuited for his new position he shall be returned to the position from which he came.

110. If the employee so seconded proves satisfactory to the department receiving him, he shall be retained therein and an effort shall be made to so readjust the work of the branch of the department from which he came that his former position may be abolished.

111. The foregoing procedure shall only be supplementary to and shall in no way supersede the provisions of sections 47 to 64 of these Regulations.

112. The foregoing procedure shall be immediately applied at the seat of government and, as opportunity permits, shall be extended as far as possible to the Service at large.

113. Any female employee in the Public Service shall, upon the occasion of her marriage, be required to resign her position.

Civil Service Act—*concluded*

114. Any deputy head, officer, clerk, or employee who is dismissed from the Civil Service by order of the Governor in Council on the ground of political partisanship in accordance with the provisions of section 55 of the Act, shall not be eligible to compete for the same or any other position in the Public Service for the period of one year from the date of dismissal.

115. (1) For the purposes of section 46 of the Act, as amended by the Civil Service Amendment Act, 1932, officers, clerks, or employees stationed at any point lying within the 32nd degree of latitude, either north or south of the equator, and at an altitude of less than six thousand feet above sea-level shall be considered to be stationed in a tropical country. Where a departure from this rigid geographical definition appears to be necessary or advisable, the Commission may designate specific places as tropical and communicate its decision to the departments in the form of extracts from the minutes.

(2) For the present the following places where employees of the Canadian Government are situated shall be deemed to be in a tropical country: Rio de Janeiro, Brazil; Hong Kong, China; Shanghai, China; Havana, Cuba; Cairo, Egypt; Calcutta, India; Kingston, Jamaica; Batavia, Java; Panama, Panama; Lima, Peru; Port of Spain, Trinidad.

116. An employee who was laid off and his position abolished and who was subsequently transferred to another department without having been separated from the Service by Order in Council shall be considered eligible for annual increase after transfer in the same manner as if he had continued to be employed in the department from which he was laid off, notwithstanding the fact that a period of temporary employment may have intervened between the date of lay-off and the date of transfer.

117. When, in the opinion of the deputy head and the Commission, the work of the department will not be adversely affected, an employee, who is directed to carry out a research project at a university, because of special facilities there, or to do any departmental work at a university, may be permitted to seek academic credit for further studies while at the university, provided that for such period as he is in attendance at the university, his pay shall be at the rate of one-half the salary he would otherwise receive; provided also that no temporary employee who has less than one year's service at the time he applies, shall be eligible for this privilege.

CIVIL SERVICE INSURANCE ACT. (R.S.C., 1927, c. 23)

Civil Service Insurance Regulations

P.C. 227

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 22nd day of January, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and pursuant to the provisions of Section 18 of The Civil Service Insurance Act, is pleased to order as follows:

Civil Service Insurance Act—*continued*

1. Orders in Council P.C. 2380 of September 8, 1893, P.C. 2384 of September 19, 1914, P.C. 22/3079 of December 7, 1914, P.C. 1556 of July 12, 1920 and P.C. 65/560 of March 28, 1927, by which the Regulations made in pursuance of the Civil Service Insurance Act were established and amended, are hereby revoked; and

2. The attached "The Civil Service Insurance Regulations" are hereby made and established in substitution for the Orders in Council hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

THE CIVIL SERVICE INSURANCE REGULATIONS

I. The words "insurance contract", "insured" and "insurance money" in the following regulations have the several meanings assigned to them in the second section of the Civil Service Insurance Act.

II. Insurance contracts shall be signed by, or bear the lithographed, or facsimile signature of, the Minister of Finance, and countersigned by the Superintendent of Insurance.

III. Should the insured cease to be a member of the Civil Service of Canada, then upon the surrender of his insurance contract after the same has been in force two years, two annual premiums or their half-yearly, quarterly or monthly equivalents having been paid thereon, either by deduction from salary or otherwise, a cash surrender value will be paid therefor equal to the full reserve thereon, calculated according to the H.M. Mortality Table of the Institute of Actuaries of Great Britain, and a rate of interest of six per cent per annum, or a free or paid-up insurance contract will be issued in lieu thereof for an amount calculated according to the said table and rate of interest, which the said reserve applied as a single premium will purchase, payable at the death of the insured.

IV. In the event of the marriage of an insured widow or spinster, the contract shall be terminated, but the insured shall be entitled to receive, on the surrender of the contract within two months after the date of termination, a cash surrender value therefor equal to the full net premium reserve thereon calculated as at the date of termination according to the H.M. Mortality Table of the Institute of Actuaries of Great Britain, and a rate of interest of six per cent per annum, or in lieu thereof, a free or paid-up insurance contract for an amount, calculated according to the said table and rate of interest, which the said reserve applied as a single premium will purchase, payable at the death of the insured.

V. Should the insured during the continuance of his contract desire to name as a beneficiary thereunder any person not theretofore named, as a beneficiary, he may with the approval of the Minister, name such person as a beneficiary in addition to the person or persons theretofore named as beneficiaries, provided that the person so named is eligible under the provisions of the Civil Service Insurance Act to be a beneficiary.

Civil Service Insurance Act—*continued*

VI. At the death of the insured, the person or persons claiming under an insurance contract shall furnish satisfactory proof of the death and age of the insured, unless such proof of age shall have been previously given. If previously given, the age may be admitted by writing endorsed upon the insurance contract signed by the person authorized by these regulations to sign an insurance contract.

VII. If the age of the insured be understated in an application for an insurance contract, the amount payable under such contract shall be the amount which bears the same ratio to the sum assured which the premium proper to the age stated of the insured bears to the premium proper to the actual age of the insured, the stated age and the actual age being both taken as at the date of the insurance contract. The premium proper in this regulation referred to is the net annual premium shown by the mortality table mentioned in regulation No. III, the rate of interest being six per cent as therein mentioned.

VIII. The age of the insured at his birthday nearest the date of an insurance contract shall be taken to be his age for the purpose of fixing and determining the premium payable by the insured under such insurance contract.

IX. (1) The insurance money, or the portion thereof to which any beneficiary is entitled, shall at the option of the insured be payable in one sum; or in whole or in part as an annuity-certain for a term of years; or in whole or in part as a life annuity to the beneficiary; or in whole or in part as an annuity guaranteed for five, ten, fifteen or twenty years and payable thereafter so long as the beneficiary may live; or in the event of the death of such beneficiary within the guaranteed term, payable as to the remaining guaranteed instalments, to such other beneficiary or beneficiaries as the insured may have nominated for that purpose, or failing such nomination, to the beneficiary's estate.

(2) The amount of the annual payment under each of the annuity plans hereinbefore mentioned shall be as shown in the schedule attached to these regulations.

X. (1) The insured shall elect in his application the plan on which the insurance money shall be paid and shall, in respect of each beneficiary, provide that, after his death, the plan elected

(*a*) shall not be varied; or

(*b*) may be varied at the option of the beneficiary; or

(*c*) may be varied at the option of the beneficiary with the consent of the Minister.

(2) The election made by the insured in his application may be subsequently varied by declaration of the insured endorsed upon or attached to the policy.

(3) A duplicate of any declaration made under subsection two of this regulation shall be filed with the Minister at the time such declaration is made.

XI. The insurance money payable under an insurance contract can only be dealt with by the insured to the extent authorized by the Civil Service Insurance Act, and any attempted dealing therewith by pledge, assignment or otherwise not so authorized shall be wholly disregarded as absolutely null and void.

Civil Service Insurance Act—*continued*

XII. Self-destruction of the insured within two years from the date of an insurance contract is a risk which will not be assumed by the Government in such contract. Should the insured die from such cause within the said period the amount payable under such insurance contract shall be the reserve thereon calculated as in regulation No. III.

XIII. Any person entitled to take the benefit of the said Civil Service Insurance Act will be furnished with a copy of the necessary form of application and the name of a medical examiner upon his applying therefor to the Superintendent of Insurance.

XIV. The medical examiner's fee for examination and certificate shall be paid by the applicant, and upon his failure to pay the same, it may be paid by the Minister of Finance and deducted from the salary of the applicant.

XV. Such medical examiner shall not deliver his certificate to the applicant, but shall forward the same direct to the Superintendent of Insurance. Should such medical examiner, in his certificate, recommend, without qualification, the acceptance of the risk, the insurance contract may be at once drawn up and issued in accordance with the application; but in the event of such medical examiner failing to recommend, without qualification, the acceptance of such risk, then the report and certificate of such medical examiner shall be referred to such medical practitioner at the City of Ottawa, as medical referee, as may be for that purpose designated by the Minister of Finance, and the risk shall be accepted or declined as shall be recommended by such medical referee. In every such case the fee of the medical referee aforesaid shall be paid by the applicant, and upon his failure to make such payment upon being notified of the amount of such fee and to whom the same is payable, the said medical referee's fee may be paid by the Minister of Finance and deducted from the salary payable to such applicant.

XVI. The fees payable to a medical examiner and medical referee under the two preceding regulations shall be paid before any insurance contract is issued.

Civil Service Insurance Act—*continued*

SCHEDULE TO REGULATION IX

Tables of Instalment Death Benefits

The sum assured, or any part thereof, may, in the case of a personal payee, in lieu of payment in one sum, be paid either (1) in equal annual instalments for any term as shown in Table A below or (2) in equal annual instalments guaranteed for five, ten, fifteen or twenty years, and as long thereafter as the payee may survive, or payable for life, as shown in Table B below. The instalments shown in the following Tables are based on a sum assured of $1,000. For larger sums assured the instalments will be proportionate.

Table A

Term of Instalments	Amount of Annual Instalment	Term of Instalments	Amount of Annual Instalment	Term of Instalments	Amount of Annual Instalment
years	$ cts.	years	$ cts.	years	$ cts.
2	509 81	12	102 45	22	66 54
3	346 49	13	96 29	23	64 72
4	264 89	14	91 02	24	63 06
5	215 99	15	86 48	25	61 55
6	183 43	16	82 52	26	60 16
7	160 20	17	79 04	27	58 88
8	142 81	18	75 95	28	57 70
9	129 32	19	73 21	29	56 62
10	118 55	20	70 75	30	55 60
11	109 76	21	68 54		

Table B

*Age of Payee	Annual Instalment payable during lifetime of Payee	Annual Instalment, payable during lifetime of Payee, guaranteed for			
		5 years	10 years	15 years	20 years
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
5	46 70	46 67	46 29	45 94	45 47
6	46 72	46 68	46 30	45 97	45 52
7	46 78	46 73	46 35	46 03	45 60
8	46 89	46 83	46 46	46 13	45 71
9	47 05	46 98	46 62	46 27	45 85
10	47 24	47 17	46 82	46 44	46 02
11	47 46	47 39	47 04	46 64	46 21
12	47 70	47 63	47 28	46 86	46 41
13	47 95	47 88	47 53	47 10	46 62
14	48 20	48 14	47 79	47 35	46 84
15	48 46	48 41	48 06	47 61	47 07
16	48 73	48 68	48 33	47 87	47 30
17	49 01	48 95	48 61	48 13	47 53
18	49 29	49 23	48 89	48 39	47 77
19	49 58	49 51	49 17	48 65	48 01
20	49 87	49 79	49 45	48 91	48 25
21	50 16	50 07	49 73	49 17	48 49
22	50 46	50 37	50 02	49 45	48 74
23	50 78	50 69	50 33	49 74	49 00
24	51 11	51 02	50 65	50 04	49 27
25	51 46	51 37	50 98	50 35	49 55
26	51 83	51 73	51 33	50 67	49 84
27	52 21	52 12	51 70	51 01	50 14
28	52 61	52 51	52 08	51 36	50 45
29	53 03	52 93	52 47	51 72	50 77
0	53 47	53 36	52 88	52 09	51 10

Civil Service Insurance Act—*concluded*

TABLE B—*Concluded*

Age of Payee	Annual Instalment payable during lifetime of Payee	Annual Instalment, payable during lifetime of Payee, guaranteed for			
		5 years	10 years	15 years	20 years
	$ cts.	$ cts.	$ cts.	$ cts.	$ cts.
31	53 93	53 82	53 31	52 48	51 43
32	54 41	54 29	53 76	52 88	51 78
33	54 90	54 78	54 22	53 30	52 14
34	55 42	55 29	54 70	53 73	52 51
35	55 96	55 82	55 20	54 17	52 90
36	56 52	56 37	55 71	54 63	53 29
37	57 10	56 95	56 25	55 11	53 69
38	57 71	57 54	56 80	55 59	54 11
39	58 34	58 16	57 38	56 10	54 54
40	58 99	58 81	57 97	56 62	54 98
41	59 68	59 47	58 59	57 16	55 43
42	60 38	60 17	59 22	57 72	55 90
43	61 12	60 89	59 89	58 29	56 39
44	61 89	61 65	60 58	58 90	56 89
45	62 69	62 43	61 30	59 52	57 40
46	63 53	63 25	62 05	60 17	57 93
47	64 41	64 11	62 83	60 84	58 48
48	65 33	65 01	63 65	61 55	59 05
49	66 30	65 95	64 51	62 28	59 62
50	67 32	66 95	65 41	63 04	60 22
51	68 39	68 00	66 37	63 84	60 82
52	69 54	69 11	67 37	64 67	61 44
53	70 75	70 30	68 43	65 54	62 06
54	72 04	71 56	69 55	66 44	62 69
55	73 42	72 90	70 74	67 38	63 32
56	74 90	74 34	72 00	68 34	63 95
57	76 49	75 88	73 33	69 34	64 58
58	78 20	77 53	74 74	70 37	65 19
59	80 04	79 31	76 22	71 41	65 79
60	82 03	81 21	77 80	72 48	66 36
61	84 17	83 26	79 44	73 56	66 91
62	86 49	85 45	81 16	74 63	67 43
63	88 99	87 81	82 96	75 70	67 91
64	91 68	90 33	84 82	76 75	68 35
65	94 58	93 01	86 74	77 78	68 76
66	97 70	95 88	88 70	78 76	69 11
67	101 05	98 91	90 70	79 71	69 43
68	104 63	102 12	92 72	80 61	69 70
69	108 48	105 51	94 75	81 44	69 93
70	112 59	109 07	96 78	82 20	70 13
71	116 96	112 82	98 76	82 90	70 28
72	121 64	116 71	100 72	83 53	70 41
73	126 61	120 79	102 62	84 08	70 51
74	131 89	125 00	104 44	84 56	70 58
75	137 51	129 35	106 18	84 97	70 64
76	143 49	133 83	107 82	85 31	70 68
77	149 81	138 45	109 34	85 59	70 70
78	156 54	143 12	110 74	85 82	70 72
79	163 67	147 91	112 01	86 01	70 73
80	171 23	152 72	113 15	86 15	70 74
81	179 24	157 55	114 15	86 25	70 75
82	187 72	162 39	115 03	86 33	70 75
83	196 70	167 17	115 78	86 38	70 75
84	206 23	171 85	116 41	86 42	70 75
85	216 31	176 46	116 93	86 44	70 75

*Age last birthday when the first instalment falls due.

NOTE.—The first instalment, under either table, will fall due on acceptance of proof of claim.

CIVIL SERVICE SUPERANNUATION ACT. (R.S.C., 1927, c. 24)

See also DIPLOMATIC SERVICE (SPECIAL) SUPERANNUATION ACT.

The Civil Service Superannuation Regulations

P.C. 5624

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Treasury Board and by virtue of the powers conferred by the Civil Service Superannuation Act, Revised Statutes of Canada, 1927, chapter 24, is pleased to order as follows:

1. The Civil Service Superannuation Regulations established by Order in Council P.C. 3764 of 26th July 1949, as amended, are hereby revoked; and

2. The annexed "Civil Service Superannuation Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

CIVIL SERVICE SUPERANNUATION REGULATIONS

SHORT TITLE

1. These Regulations may be cited as the Superannuation Regulations.

PART I

REGULATIONS OF GENERAL APPLICATION

Interpretation

2. (1) In these regulations

(*a*) "Act" means the Civil Service Superannuation Act;

(*b*) "allowance" means, except in sections fourteen and twenty, an allowance granted under the Act;

(*c*) "deputy head" means the deputy head for the department, branch or portion of the civil service in which the employee is or was employed;

(*d*) "employee" includes an officer, clerk or employee;

(*e*) "gratuity" means a gratuity under the Act;

(*f*) "Minister" means the Minister charged with responsibility for the department, branch or portion of the civil service in which the employee is or was employed;

(*g*) "overseas active service preference" means the preference for appointment provided under subsection two of section twenty-nine of the Civil Service Act;

(*h*) "prevailing rate of pay" includes any rate of compensation for services on a basis of time worked other than a stated annual salary; and

Civil Service Superannuation Act—*continued*

(*i*) other words and expressions have the same meaning as in the Act.

(2) With respect to a board, commission or corporation listed in Schedule A to the Act or in Schedule One to these regulations or a member thereof or an office thereon or an employee or position thereunder, any action to be taken under the Act or these regulations by the Minister or deputy head, shall

(*a*) with respect to members thereof or their offices, be taken by the Minister to whom the board, commission or corporation is responsible; and

(*b*) with respect to employees or positions thereunder, be taken by the chairman, president or other chief officer for the time being.

APPLICATION OF ACT IN SPECIAL CASES

Branches of Public Service Designated to be in Civil Service

3. Subject to these regulations, the Act applies as a whole to the branches or portions of the public service listed in Schedule One and to employment therein.

Seasonal Employment

4. Subject to these regulations, an employee in the Civil Service whose duties or employment are of a seasonal character shall be deemed to be a civil servant if he

(*a*) is a permanent employee;

(*b*) is in receipt of salary at an annual rate that, having regard to the duration of a normal season's employment, fairly justifies the expectation that during each season he will receive six hundred dollars in respect of his employment; and

(*c*) is otherwise eligible to be a contributor; and the deputy head has furnished to the Minister of Finance a certificate in Form K.

Manual Workers and Day Labourers

5. (1) Subject to these regulations, the Act applies in respect of employment as a day labourer or manual worker in any branch or portion of the public service to which the Act otherwise applies.

(2) No period of service of an employee as a day labourer or manual worker may be counted for any of the purposes of the Act unless, in addition to any other requirements of the Act or these regulations, the employee

(*a*) was appointed for that period by competent authority and his classification and rate of salary were determined in the manner authorized by law; and

(*b*) was actually engaged during that period in the performance of the duties of a day labourer or manual worker and not of a clerical or other class;

and the deputy head has furnished to the Minister of Finance a certificate in Form P.

Prior Service as Revenue Postmaster

6. Subject to these regulations, the Act applies in respect of employment of a contributor in the Civil Service before he became a contributor,

(*a*) as a postmaster while he was remunerated by way of commission or revenue received by him, or

(*b*) as a postmaster while he was not required during the hours or period of his active employment to devote his constant attention to the performance of the duties of his position and the conditions

Civil Service Superannuation Act—*continued*

of whose employment for the period or periods of the year over which the employment extended did not preclude him from engaging in any other substantially gainful service or occupation.

DETERMINING WHETHER EMPLOYEE PERMANENT OR CIVIL SERVANT

Employees Paid Stated Annual Salaries

7. An employee in the Civil Service who is paid a stated annual salary is a permanent employee for the purposes of the Act if he has been appointed

(*a*) by the Civil Service Commission by a certificate that does not limit the duration of his employment, to a continuing position in the permanent organization of a department, branch or portion of the Civil Service approved under the Civil Service Act, or

(*b*) by Act of Parliament, or by the Governor in Council or the Senate or House of Commons in the exercise of competent authority, without limitation as to the duration of the employment or designation of it as temporary employment, to a continuing position established by Act of Parliament or in the permanent organization of a department, branch or portion of the Civil Service approved by the Governor in Council or by the Senate or House of Commons.

8. With respect to an employee in the Civil Service who is paid a stated annual salary and to whom section seven does not apply and who was not a contributor on September 1, 1949, it is hereby prescribed under paragraph (*d*) of subsection one of section eleven of the Act that except as provided in section twelve, it is a condition of the application of Part I of the Act to him as a permanent employee that the Treasury Board has certified that

(*a*) he has been appointed during pleasure, and

(*b*) the duties of his office or position are of continuing indeterminate duration.

Prevailing Rate Employees

9. (1) The Treasury Board may designate an employee in the Civil Service who is paid a prevailing rate of pay as a permanent employee for the purposes of the Act if the competent authority by whom he was appointed has certified to the Minister of Finance, and the Board is satisfied, that

(*a*) he was appointed during pleasure by competent authority and that his classification and rate of pay were determined in the manner authorized by law;

(*b*) the duties of his position are of continuing indeterminate duration;

(*c*) he is required to perform either

(i) in the case of duties of a seasonal character, full-time service during the period of the year when the duties are required to be performed, or

(ii) in any other case, full-time service throughout the year;

(*d*) in the case of an employee who is a veteran who would be eligible for overseas active service preference, he has served continuously in the Civil Service for at least two years (or in the case of a seasonal employee, has received pay for an aggregate period of 24 months);

(*e*) in the case of an employee to whom paragraph (*d*) does not apply, he has served continuously in the Civil Service for at least five

Civil Service Superannuation Act—*continued*

years (or in the case of a seasonal employee has received pay for an aggregate period of 60 months) and there is no veteran who would be eligible for overseas active service preference who at the date of the recommendation that he be designated under this section

(i) is employed in the same unit of the Civil Service as the employee and has not been designated as a permanent employee, or

(ii) is an applicant for employment in the same class of position in the same unit at the same place as that of the employee;

(*f*) where he is employed as a day labourer or manual worker, he is actually engaged in the performance of the duties of a day labourer or manual worker and not of a clerical or other class and the deputy head has furnished to the Minister of Finance a certificate in Form P to this effect; and

(*g*) he is otherwise eligible to be a civil servant under the provisions of the Act including medical certification under subsection two of section three of the Act.

(2) A married woman whose husband is living may not be designated as a permanent employee under this section unless

(*a*) she is legally separated from her husband and is not being supported by him, or

(*b*) her husband is unable through permanent incapacity to support her,

but a period of service of a married woman, while she is not eligible to be designated, may be included in computing the period of two years or of five years referred to in paragraph (*d*) or (*e*) of subsection one, respectively.

10. Where an employee designated as a permanent employee under section nine is promoted or his duties are reclassified, or the classification of his duties or his rate of pay is otherwise changed in any way, he shall be deemed to cease to be a permanent employee for the purposes of the Act unless the deputy head notifies the Minister of Finance, the Auditor General and the Comptroller of the Treasury, in writing, of the promotion, reclassification or change stating:

(*a*) the authority for the promotion, reclassification or change;

(*b*) that the employee is employed during pleasure; and

(*c*) in the case of promotion, that the duties of the position to which the employee is promoted or in the case of reclassification or other change, that his duties as reclassified or for which the changed rate is paid, are duties of continuing indeterminate duration.

11. Where an employee designated as a permanent employee under section nine ceases to occupy a position the duties of which are of continuing indeterminate duration, or is appointed to another position on a temporary or part-time basis or for a fixed term, or where the duties of his position cease to be full-time duties, he ceases to be a permanent employee for the purpose of the Act.

Term Employees

12. The Treasury Board may designate an employee in the Civil Service who is in receipt of a stated annual salary and who is employed for a fixed term of not less than three years, to be a civil servant for the purposes of the Act if the competent authority by whom he was appointed has certified to the Minister of Finance, and the Board is satisfied, that

Civil Service Superannuation Act—*continued*

(*a*) he was appointed by competent authority and his classification and rate of pay were determined in the manner authorized by law;
(*b*) the duties of his position will continue for the duration of the term of his employment;
(*c*) he is required to perform either
(i) in the case of duties of a seasonal nature, full-time service during the period of the year when the duties are required to be performed, or
(ii) in any other case full-time service throughout the year; and
(*d*) he is otherwise eligible to be a civil servant under the provisions of the Act including medical certification under subsection two of section three of the Act.

Recommendation for Determination or Designation

13. A Minister may recommend to the Treasury Board that an employee in the Civil Service be certified or designated under these regulations as a permanent employee for the purposes of the Act and in the case of an employee who is paid a prevailing rate of pay the recommendation shall be in Form R.

COMPUTATION OF SALARY IN SPECIAL CASES

Allowances Additional to Salary

14. An allowance in kind or otherwise, whether or not it is called a living or residential allowance, or extra pay shall be deemed for the purpose of the Act and these regulations not to be part of the salary of an employee unless it has been determined to be part of the regular compensation payable for services performed in his position, and its value has been fixed for the purposes of the Act by the Treasury Board after consultation with the Civil Service Commission.

Part-time Salaries

15. A part-time salary paid to a civil servant
(*a*) authorized by competent authority before January 1, 1942, shall be deemed to be part of his salary if he made or began to make contributions in respect thereof before that day; and
(*b*) in any other case, shall be deemed not to be part of his salary unless it has been determined to be part of the regular compensation for his services by the Treasury Board after consultation with the Civil Service Commission.

During Absence on Leave Without Pay

16. A contributor who is absent from duty on leave without pay shall be deemed while he is so absent to receive salary at the rate he was receiving immediately before he became so absent but if his rate of salary is increased by competent authority while he is so absent he shall be deemed to receive the increased rate during his absence on and after the day on which the increased rate became effective.

Prevailing Rates

17. (1) For the purposes of the Act the rate of salary of an employee who is paid a prevailing rate of pay, including a seasonal employee so paid, shall be deemed to be an annual rate calculated by multiplying the rate of pay of the employee in the case of

Civil Service Superannuation Act—*continued*

(*a*) an hourly rate—by the standard working hours in a year for which he may be paid;
(*b*) a daily rate—by 309;
(*c*) a weekly rate—by 52; and
(*d*) a monthly rate—by 12.

(2) For the purpose of calculating under subsection one the annual rate of salary of a seasonal employee who is paid an hourly rate of pay, he shall be deemed to be employed to work throughout the year at standard working hours such as he works during the season in which he works.

Revenue Postmasters

18. Where a contributor was, before becoming a contributor, employed as a revenue postmaster as specified in section six, his rate of salary during such employment shall be deemed to have been such rate of salary as is certified by the Deputy Postmaster General to be the appropriate rate that would have been payable to him from time to time during the employment in accordance with the schedule of salaries for postmasters authorized at the time he elects to contribute for the employment if that schedule had been authorized while he was so employed.

Light-Keepers

19. During any period that a light-keeper was or is required to provide for assistance out of his salary he shall be deemed to have received or to receive a stated annual salary in accordance with Schedule Two.

During Prior Service in Royal Canadian Mounted Police

20. (1) The salary received by a contributor for each day while he was a member of the Royal Canadian Mounted Police Force before becoming a contributor shall be deemed to have been the total of the pay he received for the day and an amount of allowance for the day computed in accordance with subsection two or three.

(2) For the purpose of subsection one the amount of allowance received by a contributor for a day for which he received pay at the rate set out in column two of Schedule Three shall be the corresponding amount set out in column three thereof and column four of Schedule Three shall be deemed to be the annual rate of salary corresponding thereto.

(3) For the purpose of subsection one, the Treasury Board may determine the amount that shall be deemed to have been the allowance received by a contributor for a day for which he received a rate of pay that is not set out in Schedule Three in a like manner in relation to the pay he received for that day that the amounts of allowance set out in Schedule Three are computed in relation to the rates of pay set out therein.

CONTRIBUTIONS

Commencement of Payment

21. Contributions by a civil servant under the Act shall begin on the pay day of the Civil servant immediately following the day upon which he becomes liable to contribute.

For Prior Service

22. Where a contributor has elected to contribute in respect of prior service under section five of the Act:

Civil Service Superannuation Act—*continued*

(*a*) he may from time to time amend his method of contribution to provide for contributions by any other method authorized under that section that shortens the period during which the contributions are to be made;

(*b*) for the purpose of computing interest on the contributions, the total salary received by him during a fiscal year shall be deemed to have been received in the middle of the year; and

(*c*) if the contributions are to be paid in instalments, the instalments shall be equal and shall be computed in accordance with the British Offices Life Tables, 1893, Om. (5) with interest at the rate of four per cent per annum.

During Absence on Leave Without Pay

23. (1) Except as provided in subsection two, contributions for a period during which an employee is absent on leave without pay shall be paid monthly to the Minister of Finance by the contributor during the period he is absent.

(2) Where a contributor is absent on leave without pay because of illness he may, within one month after the day the leave began, elect, in place of contributing in accordance with subsection one, to make the contributions for the period of his absence after his return to duty by equal monthly instalments during such period as he may elect not longer than the period of his absence.

(3) Where a contributor who has elected to make contributions under subsection two dies while he is absent or dies after his return to duty but before he has completed payment of the instalments, his widow or child may within sixty days after his death, elect to pay to the Minister of Finance the amount of the contributions that the contributor would have paid if he had returned to duty on the day of his death or that he had not paid at the time of his death as the case may be, and the payment shall be deemed to have been a contribution by the contributor.

Arrears of Contributions Unpaid when Deferred Allowance Granted

24. (1) A contributor to whom a deferred adjusted annual allowance has been granted shall forthwith pay to the Minister of Finance an amount sufficient to pay all contributions for service before his retirement that would have been payable by him after the date on which he retired if he had remained a contributor

(*a*) in one sum, or

(*b*) in monthly instalments equal to or greater than those that would have been deducted in respect thereof from his salary if he had not retired

and any part of the sum or instalments not so paid shall be deducted from the allowance when it becomes payable, or if he dies, from an allowance or gratuity granted in respect of his service.

(2) If amounts payable under subsection one are paid on dates different from those on which the contributions for which they are paid, would have been paid, the amounts shall be calculated with respect to the contributions to take into account, with respect to mortality or interest, the different day of payment in accordance with British Offices Life Tables, 1893, Om. (5) and a rate of interest of four per cent per annum, respectively.

Civil Service Superannuation Act—*continued*

Prevailing Rates

25. (1) The contribution payable for each pay period by an employee receiving a prevailing rate of pay shall be the proportion of the amount that would be payable for a year in respect of the annual rate of salary that the employee is deemed to receive that the pay period is of a year.

(2) No contribution may be made by an employee mentioned in subsection one in respect of a pay period during which the amount of his pay is less than the amount of the contribution unless he was absent on leave during that pay period.

Recommendations for Allowances or Gratuities

26. (1) A recommendation for an allowance or gratuity may be made to the Treasury Board by the deputy head.

(2) A recommendation for an allowance or gratuity shall report

(*a*) in respect of the civil servant who is to be retired that
  (i) he is a contributor under the Act; and
  (ii) he is eligible on account of age, disability or other specified cause to be retired under the Act; or

(*b*) in respect of the widow or dependents of a deceased civil servant, that the deceased was a contributor under the Act.

(3) A recommendation for an allowance or gratuity shall, unless it has already been furnished to the Minister of Finance, be accompanied

(*a*) in the case of a proposed allowance to a contributor, by
  (i) the birth certificate of the contributor;
  (ii) a statement from the Civil Service Commission, where such a statement is required by the Act, that the granting of the proposed allowance is in the public interest;
  (iii) where the retirement is recommended on account of ill health, the certificate of a qualified practitioner in Form J; and
  (iv) where the retirement is recommended on account of abolition of position, a certificate from the deputy head, concurred in by the Civil Service Commission in Form L; and

(*b*) in the case of a proposed allowance or gratuity to the widow and children of a contributor, by
  (i) the marriage certificate of the contributor and the widow;
  (ii) the certificate of death of the contributor;
  (iii) the birth certificates of the widow and children; and
  (iv) any other documents that the Treasury Board may require.

(4) A recommendation that an allowance or gratuity that may be paid to a contributor be paid to a person other than the contributor on the grounds that the contributor is incapable of managing his own affairs, shall be accompanied by a statutory declaration and certificate in Form O.

(5) A recommendation for an allowance or gratuity in respect of which a person may exercise an option shall be accompanied by the election of that person in Form Q or shall indicate that no election was made.

(6) A recommendation for an allowance or gratuity in respect of service that includes a period of employment as a manual worker or day labourer shall be accompanied by Form P signed by the deputy head in respect of that period unless it has already been filed with the Minister of Finance.

Civil Service Superannuation Act—*continued*

ELECTIONS FOR OPTIONAL BENEFITS

27. (1) An election by a person to whom an allowance or gratuity may be granted at his option under paragraph (*b*), (*c*), (*d*) or (*j*) of subsection one of section six of the Act shall be made in Form Q within one year after the date of the retirement or death of the contributor in respect of whom the allowance or gratuity may be granted, as the case may be.

(2) An election on behalf of a child of a contributor to whom an allowance or gratuity may be granted at his option under paragraph (*j*) of subsection one of section six of the Act may be made by the widow of the contributor and if there is no widow, the election may be made by the guardian of the child.

(3) If a person who may make an election under subsection one or two does not do so within the period therein fixed, he shall

(*a*) if he may elect under paragraph (*b*) therein mentioned, be deemed to have elected an adjusted annual retiring allowance;

(*b*) if he may elect under paragraph (*c*) or (*d*) therein mentioned, be deemed to have elected a deferred adjusted annual retiring allowance;

(*c*) if he may elect under paragraph (*j*) therein mentioned, be deemed to have elected an annual retiring allowance.

COMPUTATION OF ALLOWANCES OR GRATUITIES

Service Qualifying for Benefits

28. For the purpose of determining whether a contributor has completed the period of ten years service specified in subsection one of section six of the Act, there shall be included all periods during which the contributor actually served in the Civil Service, whether before or after he became a contributor, and whether or not he was a permanent employee or contributed for them, and any other period that is deemed under the Act or these regulations to have been a period of service by him in the Civil Service.

29. (1) The average annual salary received by a contributor

(*a*) during the last ten years of his service for the purpose of computing an allowance under Part I of the Act, is one tenth of the total salary received or deemed under the Act or these regulations to have been received by him during the last one hundred and twenty months, and

(*b*) during the last five years of his service for the purpose of computing an allowance under Parts II, IV and V of the Act, is one-fifth of the total salary received or deemed under the Act or these regulations to have been received by him during the last sixty months,

of service immediately before his retirement that may be counted in computing the allowance.

(2) For the purpose of computing an allowance, the average annual salary received by a contributor for any period prescribed by the Act or these regulations other than those mentioned in subsection one, shall be calculated by dividing the salary received or deemed under the Act or these regulations to have been received by him during the last periods of his service that may be counted in computing the allowance, sufficient to make up the prescribed period, by the number of months in the prescribed period and multiplying by twelve.

Civil Service Superannuation Act—*continued*

Computation of Service

30. (1) In determining the period of service that may be counted for the purpose of computing an allowance or gratuity of a contributor whose service is less than thirty-five years, if after calculating the number of complete years of service there remains a period of service that may be so counted of less than a year, the amount of allowance payable in respect of that period shall be the proportion of the amount of allowance payable for a year that the number of months in that period is of twelve.

(2) If after calculating the number of complete months in the remaining period mentioned in subsection one, there remain fifteen or more days of service, the employee shall be deemed to have served an additional month and if there remain less than fifteen days they shall not be taken into account in computing the allowance.

Service During Absence on Leave Without Pay

31. A period of absence of a contributor on leave without pay after the fourteenth day of April, 1927, may be counted as service for the purpose of computing allowances or gratuities only if contributions for that period have been or are being made in accordance with the Act and these regulations.

Service of Prevailing Rate Employees

32. In computing the service of a contributor for a period while he was employed in the Civil Service at a prevailing rate of pay, only pay periods for which contributions were made in accordance with section twenty-five may be counted as service.

Service of Seasonal Employees

33. Where a contributor has had service as a seasonal employee prior to the date of his retirement only periods for which he was paid or is deemed to have received pay while so employed and for which he contributed may be counted as service for the purpose of computing an allowance or gratuity.

Service as Revenue Postmaster

34. For the purpose of computing an allowance or gratuity, the service of a contributor as a revenue postmaster during employment specified in section six for which he has elected to contribute, shall be computed as being the proportion of the period of the employment for which he has elected to contribute that

(*a*) the rate of salary in respect of which he contributes for that period is of

(*b*) the minimum rate of salary authorized at the time of his election for a postmaster who is required during the hours or periods of his active employment to devote his constant attention to the performance of the duties of his position.

Contributor's Age Exceeds Wife's by Twenty Years

35. (1) Where the age of a contributor who married after the nineteenth day of July, 1924, exceeds the age of his wife by twenty years or more, the allowance that might be granted to her but for this section shall be reduced so that the ratio of the reduced allowance to the allowance is

Civil Service Superannuation Act—*continued*

equal to the ratio of the value of a life annuity of one dollar per annum to a person aged twenty years less than the contributor at the date of his death to the value of a life annuity of one dollar per annum to a person of the age of the widow at that date.

(2) For the purposes of subsection one the values of life annuities shall be calculated in accordance with the British Offices Life Tables, 1893, Om. (5) with a rate of interest of four per cent per annum.

COMMENCEMENT, PAYMENT AND TERMINATION OF GRATUITIES AND ALLOWANCES

36. A gratuity payable to a contributor retired by reason of abolition of office may be paid in monthly instalments equal to the monthly rate of salary payable to him at the time of his retirement.

37. An allowance granted to the widow or child of a deceased contributor shall begin from the day following the day of the death of the contributor.

38. An allowance or gratuity payable to a child of a contributor shall be paid for the exclusive benefit of the child to the legal guardian or to a person named by the Treasury Board.

39. Where an allowance to a widow or a child of a contributor ceases by reason of the remarriage of the widow or because the child attains the age of eighteen years, the amount of the allowance for the month in which the remarriage took place or the age of eighteen years is attained, as the case may be, shall be the amount that bears the same ratio to the total allowance that would be payable in respect of a full month as the number of days of the month that have elapsed on the day that the remarriage or the attainment of eighteen years takes place, including that day, bears to the number of days in that month, but where the allowance ceases by reason of death, payment shall be made in full for the month in which the death occurred.

RETIRED CONTRIBUTORS RE-EMPLOYED IN PUBLIC SERVICE

Public Service Defined

40. (1) For the purposes of subsection two and sections forty-one to forty-seven inclusive, "public service" includes the Civil Service together with employment as a member of or under a board, commission, or corporation, or a branch or portion of the public service listed in Schedule A to the Act or in Schedule One to these regulations and any other employment or the performance of any other services the remuneration for which is paid out of moneys provided by Parliament or by an agent of His Majesty in right of Canada.

(2) The provisions of sections forty-one to forty-seven inclusive shall be conditions to the grant of any gratuity or allowance and of the employment in the public service of any person to whom those sections apply.

Before Payment of Gratuity or Allowance Commences

41. Where a contributor to whom an allowance or gratuity has been granted in anticipation of his retirement is again appointed to a position in the public service before the expiration of his retiring leave, the grant shall be suspended while he continues to be employed in the public service and the grant shall cease to be effective if he again becomes a contributor.

Civil Service Superannuation Act—*continued*

After Payment of Gratuity is Commenced or Made

42. Where a retired contributor to whom gratuity is being paid by instalments is again employed in the public service before all the instalments have been paid, payment of the gratuity shall be discontinued.

43. Where a retired contributor to whom section forty-two applies again ceases to be employed in the public service without having again become a contributor, the remaining instalments of the gratuity shall then become payable.

44. Where a retired contributor to whom a gratuity or part thereof has been paid, again becomes a contributor—

(*a*) if the amount of the gratuity so paid exceeds the total of his contributions in respect of the period of service on which the gratuity was based,—

(i) he shall be liable to repay the amount of that excess, together with interest at four per cent per annum on each payment or part thereof so made, in excess of his contributions, from the date of payment to the date of repayment, and

(ii) he shall be deemed not to have contributed under the Act for that service but he may elect to contribute for the whole or part thereof under section five of the Act within one year after he again becomes a contributor, in which case the contribution for the whole of that service required by that section shall be deemed to be the total of the remaining payments of gratuity with interest at four per cent per annum on the amount of each payment from the date thereof to the date of his election;

(*b*) if the amount of the gratuity so paid does not exceed the total of his contributions in respect of the period of his service on which the gratuity was based,—

(i) a period that is in the same proportion to that period of service as the excess of the contributions over the amount of the gratuity so paid is to the total contributions made by him for that period of service may be counted as service of the contributor for the purpose of computing an allowance or gratuity under the Act, and

(ii) he shall be deemed not to have contributed under the Act for the remainder of that period of service but he may elect to contribute for the whole or any part thereof under section five of the Act within one year after he again becomes a contributor in which case the contribution for the whole of that service required by that section shall be deemed to be the total of the payments of the gratuity with interest at four per cent per annum on the amount of each payment from the date thereof to the date of his election.

45. An amount required to be paid under subparagraph (i) of paragraph (*a*) of section forty-four shall be paid to the Minister of Finance in one sum or shall be deducted from the salary of the contributor as the Minister may direct, as if it were a contribution the contributor elected to make under section five of the Act.

Civil Service Superannuation Act—*continued*

After Payment of Allowance is Commenced

46. (1) Where a retired contributor to whom an annual allowance is being paid, is again employed in the public service but does not again become a contributor, the allowance shall be discontinued until he ceases to be so employed except that

(*a*) while the total of his annual rate of allowance and annual rate of compensation does not exceed eighteen hundred dollars, the allowance shall not be discontinued, and

(*b*) while the total exceeds eighteen hundred dollars the allowance shall not be discontinued if the excess does not exceed the annual rate of allowance but the annual rate of allowance shall be reduced by the amount of the excess.

(2) Where a retired contributor to whom an annual allowance is being paid is employed in the public service or receives remuneration for services performed in the public service for which he is paid at a rate of compensation established with reference to the time worked by him in the performance of services but for which no annual rate of compensation can be computed, there shall be deducted from subsequent payments of his allowance the amount by which the allowance and compensation paid to him in any month exceeds one hundred and fifty dollars, but not in excess of the allowance for that month.

47. (1) Where a retired contributor to whom an annual allowance is being paid again becomes a contributor the allowance shall be discontinued until he again ceases to be a contributor.

(2) Where a contributor to whom subsection one applies again ceases to be a contributor, payment of the allowance mentioned in subsection one may be recommenced, and if he has ceased to be a contributor in circumstances in which an allowance may be granted to him under the Act, an additional allowance may be granted to him of an amount based on the additional period of service while he was again a contributor and on his average salary during the last ten years of his service; but no additional allowance may be granted for a period of service greater than thirty-five years minus the number of years for which the allowance mentioned in subsection one was granted to him.

General

48. A person who at the date of his appointment to a position in the Civil Service is sixty-five years of age or over, is not subject to the Act.

49. The Civil Service Commission or the authority that makes an appointment shall immediately notify the Minister of Finance of the re-employment in the public service of any retired contributor.

50. Interest shall be credited to the Superannuation Account at the rate of four per cent per annum on the monthly balance of the Account.

51. Where a certificate of birth, death or marriage is required to be furnished under these regulations, the certificate may be dispensed with if proof of birth, death, or marriage in other form satisfactory to the Treasury Board is furnished.

52. In these regulations the word "Form" includes any document prepared under the authority of the Act which, on its face, is described as a "Schedule".

Civil Service Superannuation Act—*continued*

PART II

Transferred Pensionable Newfoundland Employees

53. In this Part

(*a*) "Act" means the Civil Service Superannuation Act;

(*b*) "Canadian service" means any period that might be counted as service in the Civil Service for the purposes of the Act other than Newfoundland service;

(*c*) "Newfoundland Act" means the Civil Service Act, 1947, of Newfoundland as amended by the Act No. 33 of the statutes of Newfoundland for the year 1949;

(*d*) "Newfoundland service" means any period that would have been counted in computing an allowance or gratuity under the Newfoundland Act;

(*e*) "total service" means the total period of Newfoundland service and Canadian service of an employee;

(*f*) "transferred pensionable Newfoundland employee" means an employee in the Civil Service who was

(i) an established Civil Servant as defined in the Newfoundland Act, or

(ii) a Civil Servant to whom section forty-one of the Newfoundland Act applied

in a service of the Government of Newfoundland that has been taken over by Canada pursuant to the Terms of Union of Newfoundland with Canada and who became an employee in the Civil Service pursuant to an offer of employment made in accordance with the Terms of Union; and

(*g*) other words and expressions have the same meaning as in the Act and Part I of these Regulations.

Act Applies to Transferred Pensionable Newfoundland Employees

54. Subject to this Part, the Act and Part I of these Regulations apply in respect of a transferred pensionable Newfoundland employee and any such employee shall be deemed to be a civil servant and shall be a contributor.

Newfoundland Service Deemed Canadian Service Unless Election

55. (1) Unless a transferred pensionable Newfoundland employee makes an election under section fifty-six that his Newfoundland service is not to be counted as service in the Civil Service, his Newfoundland service shall, subject to these regulations, be deemed for the purposes of the Act and for computing any allowance or gratuity thereunder to have been service in the Civil Service.

(2) For the purpose of computing an allowance granted under the Act to an employee to whom this section applies whose Canadian service is less than ten years, his average annual salary shall be calculated for the shorter following periods,

(*a*) the last ten years of the service that may be counted in computing the allowance, or

(*b*) his Canadian service and the last three years of his Newfoundland service.

Civil Service Superannuation Act—*continued*

(3) Where an employee to whom this section applies,

(*a*) voluntarily retires from the Civil Service after attaining the age of sixty but before attaining the age of sixty-five years, only that proportion of the allowance granted to him that his Canadian service is of his total service shall be paid to him until he attains the age of sixty-five years when the full allowance shall become payable, or

(*b*) is retired from the Civil Service by reason of abolition of office before attaining the age of sixty years, the allowance paid to him until he attains the age of sixty years shall be reduced by one-third of the proportion of the allowance that his Canadian service is of his total service.

Where Election Newfoundland Service Not Deemed Canadian Service

56. (1) A transferred pensionable Newfoundland employee may, within one year after he becomes a contributor, elect that his Newfoundland service shall not be counted as service in the Civil Service for the purpose of the Act and in such case it shall not be so counted and on his retirement from the Civil Service he may, subject to these regulations, be granted

(*a*) an allowance or gratuity for his Newfoundland service equal to the allowance or gratuity that might have been granted to him in respect of such a period of service under the Newfoundland Act on his retirement thereunder in like circumstances to those in which he retires from the Civil Service, and

(*b*) an allowance or gratuity under the Act in respect of his Canadian service.

(2) Where an employee to whom this section applies voluntarily retires from the Civil Service after attaining the age of sixty years and before attaining the age of sixty-five years an allowance granted to him in respect of his Newfoundland service under paragraph (*a*) of subsection one shall not become payable until he attains the age of sixty-five years.

(3) Where an allowance has been granted to an employee under paragraph (*a*) of subsection one it shall be subject to discontinuance or termination of payment in the same circumstances in which it might be discontinued or terminated if it had been granted under the Newfoundland Act.

(4) For the purposes of computing an allowance granted under paragraph (*b*) of subsection one to an employee whose Canadian service is less than ten years his average annual salary shall be the average of the salary received by him during his Canadian service.

(5) For the purposes of granting an allowance under paragraph (*a*) of this section, the Governor in Council may do all acts or things that might be done by the Governor in Commission under the Newfoundland Act.

General

57. For the purposes of computing an allowance or gratuity to be granted in accordance with this Part, the salary received during his Newfoundland service by a transferred pensionable Newfoundland employee shall be deemed to have been the salary that he received or was deemed to have received from time to time during that service that would have been counted for the purpose of computing a pension or gratuity under the Newfoundland Act.

Civil Service Superannuation Act—*continued*

58. For the purpose of determining

(*a*) the nature of an allowance or gratuity that may be granted under the Act or under these regulations in accordance with the Newfoundland Act, or

(*b*) the amount of the adjustment to be made in computing an adjusted allowance that may be granted under the Act

to a transferred pensionable Newfoundland employee, the period of service to be used shall be to the total service of the employee minus any period deemed to be Newfoundland service under paragraph (*a*) of subsection three of section twenty-nine of the Newfoundland Act.

59. No allowance or gratuity may be granted to an employee pursuant to this Part in accordance with section twenty-six of the Newfoundland Act.

60. A transferred pensionable Newfoundland employee is not required to contribute under the Act for Newfoundland service whether or not it is to be counted as service in the Civil Service.

SCHEDULE ONE

Boards, Commissions, etc., designated under Section 11 (1) (d) of the Civil Service Superannuation Act as branches of the Public Service of Canada to which that Act applies

NAME

Civil Service Commission
Board of Transport Commissioners
Auditor General's Office
Governor General's Secretary's Office
Privy Council Office
Board of Grain Commissioners
National Research Council
Taxation Division, Department of National Revenue
Royal Canadian Mounted Police
(For prior service only and if no pension has been granted for the service under the Royal Canadian Mounted Police Act)
Dominion Franchise Commission
Soldier Settlement Board
International Joint Commission
Government Contracts Supervision Committee
Chief Electoral Office
Unemployment Insurance Commission
Canadian Farm Loan Board
Air Transport Board
Tariff Board
Export Credits Insurance Corporation
Federal District Commission
Defence Research Board
Fisheries Research Board
Atomic Energy Control Board

Civil Service Superannuation Act—*continued*

SCHEDULE TWO

A lightkeeper who has been or is required to provide for assistance out of his salary shall be deemed for the purposes of section nineteen to have received

(*a*) before April 1, 1919, the following percentage of the salary actually received by him:—

Class 1 (Belle Isle, S. W. Estevan Point Lennard Island, Pachena and Langara)	40%
(Belle Isle, N. E. Bird Rocks Pelee Passage)	50%
Class 2	60%
Class 3	80%
Class 4	75%
Class 5	80%

(*b*) between April 1, 1919, and March 1, 1927, the following salary:

Classes 1, 2, 2A and 3	$ 1,500.00
Classes 4 and 5	1,380.00

(*c*) between April 1, 1927, and August 31, 1946, the following salary:

Classes 1, 2, 2A and 3	1,620.00
Classes 4 and 5	1,500.00

(*d*) between September 1, 1946, and September 30, 1947, the following salary:

Classes 1, 2, 2A and 3	1,920.00
Classes 4 and 5	1,800.00

(*e*) between October 1, 1947, and September 30, 1948, the following salary:

Classes 1, 2, 2A and 3	2,040.00
Classes 4 and 5	1,920.00

(*f*) between October 1, 1948, and the day that the maximum salary of this class is increased, the following salary:

Classes 1, 2, 2A and 3	2,160.00
Classes 4 and 5	2,040.00

Civil Service Superannuation Act—*continued*

SCHEDULE THREE

ROYAL CANADIAN MOUNTED POLICE

(Section 20)

Rank	*Rate of Pay per Diem*	*Rate of Allowance per Diem*	*Annual Rate of Salary*
(1)	(2)	(3)	(4)
Constable	$ .50	$ .33	$ 303.00
	.55	.37	336.00
	.60	.40	365.00
	.65	.44	398.00
	.70	.47	427.00
	.75	.50	456.00
	.80	.54	489.00
	.85	.57	518.00
	.90	.60	548.00
	.95	.64	580.00
	1.00	.67	610.00
	1.05	.70	639.00
	1.10	.74	672.00
	1.25	.84	763.00
	1.50	1.00	913.00
	1.75	1.17	1,066.00
	2.00	1.34	1,219.00
	2.05	1.37	1,248.00
	2.10	1.41	1,281.00
	2.15	1.44	1,310.00
	2.20	1.47	1,340.00
	2.25	1.51	1,372.00
L/Corporal	2.35	1.58	1,434.00
Corporal	.85	.56	515.00
	1.10	.72	668.00
	1.25	.82	756.00
	1.50	.99	909.00
	2.00	1.32	1,212.00
	2.50	1.64	1,511.00
Sergeant	1.00	.67	610.00
	1.25	.83	759.00
	2.25	1.50	1,369.00
	3.00	2.00	1,825.00
Staff Sergeant	1.50	.80	840.00
	2.00	1.07	1,121.00
	3.25	1.73	1,818.00
	3.75	2.00	2,099.00

Civil Service Superannuation Act—*continued*

F.A. 74A Finance File No.....

FORM "A"

CIVIL SERVICE SUPERANNUATION ACT

ANNUAL ALLOWANCE

Name .....

Rank .....

Department .....

Date of retirement.....

Cause of retirement.....

Age at retirement date.....

Service at retirement date.....Years.....Months

Period of contribution.....Years.....Months.....Days

Period of non-contribution....Years....Months.....Days

Period without pay.....Years.....Months.....Days

Service for calculating allowance.....Years.....Months

Salary at retirement date $.....

Average salary past.....Years, $.....
3, 5 or 10

Average living allowance past.....Years, $.....
3, 5 or 10

Total average salary and living allowance past..Years, $...
3, 5 or 10

Annual allowance $.....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

I hereby certify that the above named became a contributor under the terms of part..... of the Act, that he is eligible to be retired thereunder.

.....Deputy Head

Dated.....

The Civil Service Commission hereby advise that the granting of an allowance as above will be in the public interest.

....
Chairman Commissioner

Dated..... .....
Commissioner

The requirements of the Act and Regulations thereunder have been fulfilled. The details set out herein are correct.

.....
For Deputy Minister of Finance.

Dated .....

The Certificate of the Civil Service Commission is not required if the contributor is over 60 years of age.

Civil Service Superannuation Act—*continued*

F.A. 74B Finance File No.....

FORM "B"

CIVIL SERVICE SUPERANNUATION ACT

WITHDRAWAL ALLOWANCE

Name .....

Rank .....

Department .....

Date of retirement.....

Cause of retirement .....

Age at retirement date.....

Service at retirement date.....Years.....Months

Salary at retirement date $.....

Contributions without interest.....$.....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

I hereby certify that the above named became a contributor under the terms of part.....of the Act, and that, subject to the approval of the Governor in Council,....is (he or she) eligible to be granted the withdrawal allowance provided by Sub-section 6(*d*) or 6(*e*) of the Act.

.....Deputy Head

Dated.....

Certified as to amount of withdrawal allowance.

.....
For Deputy Minister of Finance

Dated.....

Civil Service Superannuation Act—*continued*

F.A. 74C Finance File No.....

FORM "C"

CIVIL SERVICE SUPERANNUATION ACT

ANNUAL ALLOWANCE TO WIDOW AND CHILDREN
(DEATH IN THE SERVICE)

PARTICULARS AS TO CONTRIBUTOR:

Name .....

Rank .....

Department .....

Age at death.....

Date of marriage.....

Date of death.....

Length of service at death.....years.....months

Period of contribution.....Years.....Months.....Days

Period of non-contribution....Years....Months.....Days

Service for calculation of allowance.....years.....months

Average salary past.....years, $.....
3, 5 or 10

Average living allowance past.....years, $.....
3, 5 or 10

Total average salary and living allowance past..Years, $..
3, 5 or 10

Annual allowance payable to contributor.....$.....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

Annual allowances	Name	Date of Birth	Sex	Amt. of Allowance
Widow	.....	.....	.....	$.....
Child	.....	.....	.....	$.....
"	.....	.....	.....	$.....
"	.....	.....	.....	$.....
"	.....	.....	.....	$.....
"	.....	.....	.....	$.....

I hereby certify that the above named deceased became a contributor under the terms of part..... of the Act, that he would have been eligible had he been retired at the date of his death, to be granted an annual allowance, and that the widow and children above named are eligible to be granted annual allowances.

.....Deputy Head

Dated.....

I hereby certify, subject to the approval of the Governor in Council, that the above mentioned widow and children are eligible to be granted, under the terms of the Act, the allowances specified.

.....
For Deputy Minister of Finance

Dated .....

Certificate of death of contributor, birth and marriage certificates of widow, birth certificates of children must be attached.

Civil Service Superannuation Act—*continued*

F.A. 74D Finance File No.....

FORM "D"

CIVIL SERVICE SUPERANNUATION ACT, 1924

ANNUAL ALLOWANCE TO WIDOW AND CHILDREN
(DEATH AFTER RETIREMENT)

PARTICULARS AS TO CONTRIBUTOR:

Name .....

Department .....

Date of birth.....

Date of marriage.....

Date of death.....

Date of retirement.....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

Annual allowance being paid to contributor..... $.....

Annual Allowance	Name	Date of Birth	Sex	Amt. of Allowance
Widow	.....	.....	.....	$.....
Child	.....	.....	.....	$.....
"	.....	.....	.....	$.....
"	.....	.....	.....	$.....
"	.....	.....	.....	$.....
"	.....	.....	.....	$.....

I hereby certify that, subject to the approval of the Governor in Council, the above are eligible to be granted, under the terms of the Act, the allowances specified.

.....
For Deputy Minister of Finance

Dated.....

Certificate of death of contributor, birth and marriage certificates of widow, birth certificates of children must be attached.

Civil Service Superannuation Act—*continued*

F.A. 74F Finance File No.....

FORM "F"

CIVIL SERVICE SUPERANNUATION ACT

GRATUITY ON RETIREMENT

Name .....

Rank .....

Department .....

Date of retirement.....

Cause of retirement .....

Age at retirement .....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

Present salary ..... $.....

Present living allowance ..... $.....

Service at retirement.....years.....months

Service for calculating gratuity.....years.....months

Gratuity .....months' salary

Amount $.....

I hereby certify that the above is a contributor under the Superannuation Act, 1924, and, subject to the approval of the Governor in Council, that he is eligible to be granted the gratuity specified above.

.....Deputy Head

Dated.....

Checked

.....

For Deputy Minister of Finance

Dated.....

Civil Service Superannuation Act—*continued*

F.A. 74G Finance File No.....

FORM "G"

CIVIL SERVICE SUPERANNUATION ACT, 1924

GRATUITY TO WIDOW

PARTICULARS AS TO CONTRIBUTOR:

Name .....

Rank .....

Department .....

Date of death.....

Age at death.....

Date of marriage.....

Salary at death ..... $.....

Living allowance at death ..... $.....

Length of service at death.....years.....months

Service for calculation of gratuity.....years.....months

Gratuity.....Months' salary

Amount ..... $.....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

I hereby certify that the above named was a contributor under the Superannuation Act, 1924, and, subject to the approval of the Governor in Council, that his widow ..... is eligible to be granted the gratuity specified above.

.....Deputy Head

Dated. .....

Checked

.....
For Deputy Minister of Finance

Dated.....

Certificate of death of contributor, birth and marriage certificates of widow must be attached.

Civil Service Superannuation Act—*continued*

F.A. 74H Finance File No.....

FORM "H"

CIVIL SERVICE SUPERANNUATION ACT, 1924

GRATUITY TO CHILDREN

PARTICULARS AS TO CONTRIBUTOR:

Name .....

Rank .....

Department .....

Date of death.....

Age at death.....

Salary at death ..... $.....

Living allowance at death ..... $.....

Service .....years.....months.

Gratuity .....months' salary.

Gratuity payable to contributor ..... $.....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

CHILDREN UNDER 18 YEARS OF AGE:

Name	Age	Sex
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

I hereby certify that the deceased was a contributor under the Superannuation Act, 1924; that he did not leave a widow, that his children under 18 years of age at his death are as above named. I recommend that payment of the gratuity be made to ..... of..... for the use of said children.

.....Deputy Head

Dated.....

Checked

.....
For Deputy Minister of Finance

Dated.....

Certificates of death of contributor and widow, marriage certificate, certificates of birth of children must be attached.

Civil Service Superannuation Act—*continued*

F.A. 74I Finance File No.....

FORM "I"

CIVIL SERVICE SUPERANNUATION ACT

ALLOWANCE TO DEPENDENTS

PARTICULARS AS TO CONTRIBUTOR:

Name .....

Rank .....

Department .....

Date of death.....

Age at death.....

Salary at death ..... $.....

Living allowance at death ..... $.....

Service .....years.....months.

Amount of contributions..... $.....

Department of Finance Superannuation Branch
Computed .....
Checked .....
Counterchecked .....

DEPENDENTS AND THEIR RELATIONSHIP TO DECEASED:

Name	Age	Sex	Relationship
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

I hereby certify that the deceased was a contributor under the Civil Service Superannuation Act, that he did not leave a widow or a child under 18 years of age; that the above named are dependents within the meaning of section 6(1) (*k*) of the Act.

.....Deputy Head

Dated .....

Certified as to amount of withdrawal allowance.

.....
For Deputy Minister of Finance

Dated .....

Civil Service Superannuation Act—*continued*

F.A. 74-"J" Eng. Finance File No.....

Revised FORM "J"

CIVIL SERVICE SUPERANNUATION ACT

PHYSICIAN'S CERTIFICATE

Name .....Address.....

Department .....Branch.....

Married or single.....Date of Birth.....Sex.....

Is applicant now or ever been, in receipt of a war pension?.....

If so, state Pension Number and whether Canadian or Imperial.....

Since what date has applicant been engaged in his present duties.....

Nature of disability.....

Cause of disability (i.e.—wounds, accident, illness, etc.).....

Accurate description of physical impairment causing total and permanent disability....

.....

.....

Is there any reason why applicant cannot continue at duties under treatment? If so, please explain.....

.....

.....

Please state pertinent facts from history, physical examination and laboratory findings in support of your diagnosis.....

.....

Could any improvement be expected as a result of special treatment of any kind?..

.....

Remarks .....

.....

I, the undersigned duly qualified medical practitioner, declare that I have personally made a detailed physical examination of the Civil Service employee above named, and have found.....totally incapacitated for the performance of..... duties. I further declare that in my opinion.....will never be able to resume .....duties. I make this solemn declaration conscientiously believing the same to be true.

Dated ..... Signature .....

Address .....

A confirmatory medical examination having been made by my direction, I concur.

.....

Deputy Minister of National Health

Date .....

The concurrence of the Deputy Minister of National Health is required only wnen the employee is under 60 years of age.

Civil Service Superannuation Act—*continued*

F.A. 74K Finance File No.....

FORM "K"

CIVIL SERVICE SUPERANNUATION ACT

CERTIFICATE OF SEASONAL EMPLOYEES

Name .....

Rank .....

Annual Salary Rate $..... .....

Amount actually paid each year for the past five years:—

Year ..... $.....

Year ..... $.....

Year ..... $.....

Year ..... $.....

Year ..... $.....

.....
Accountant or Treasury Officer

I hereby certify that the above mentioned employee of the.....
Branch of the Department of.....is a permanent seasonal employee of the rank and salary stated above, and that, in my opinion, it is a fair expectation that the employee will actually receive at least $600.00 during a normal season.

Dated .....

.....For Deputy Head

F.A. 74L

FORM "L"

THE CIVIL SERVICE SUPERANNUATION ACT, 1924
ABOLITION OF POSITION

CERTIFICATE OF DEPUTY HEAD

*I hereby certify that the retirement of.....
has been initiated by this Department for the sole purpose of reducing staff and has not been solicited by ..... or on..... behalf, either directly or indirectly.*

.....
Deputy Head

Date .....

CERTIFICATE OF THE CIVIL SERVICE COMMISSION

We, having had made a detailed examination of the circumstances connected with the above retirement, certify that in our opinion it has been submitted for the sole purpose of reducing staff and has not been solicited by the contributor or on....behalf.

.....
Chairman

.....
Commissioner

.....
Commissioner

Date .....

Civil Service Superannuation Act—*continued*

F.A. 74N Finance File No.....

FORM "N"

CIVIL SERVICE SUPERANNUATION ACT

Gratuity to Estate

Name .....

Rank .....

Department .....

Date of Death.....

Age at Death.....

Service at Death.....years.....months

Salary at Date of Death.....

Contributions Without Interest: $.....

I hereby certify that the deceased was a contributor under the Civil Service Superannuation Act; that he left no widow, children or dependents to whom an allowance or gratuity may be granted under the Act; I recommend that subject to the approval of the Governor in Council, a gratuity in the amount stated above, as provided by section 6(1) (*k*) of the Act be granted to.....

.....

.....Deputy Head

Dated .....

Certified as to amount of gratuity.

.....

For Deputy Minister of Finance

Dated .....

Certified copy of Letters of Administration or Letters Probate should be attached hereto. If the estate is not administered or if the will is not entered for probate or if the contributor died intestate, a statutory declaration in the form approved by the Treasury Board under date of April 29, 1949, should be submitted, together with a certificate of death.

Civil Service Superannuation Act—*continued*

F.A. 740 Finance File No.....

FORM "O"

CIVIL SERVICE SUPERANNUATION ACT

STATUTORY DECLARATION TO BE COMPLETED IN CASES WHERE SUPERANNUATED PERSON IS UNABLE TO MANAGE HIS OR HER OWN AFFAIRS.

I, ...declare that I am the ....., of.....who
(wife, son, daughter, etc.)
is in receipt of a superannuation allowance of $.....per month from the Dominion of Canada.

I further declare that.....is incapable of managing.....own affairs and I agree to administer the above amount
(his or her)
to the best of my ability for the maintenance and care of the said.....and.....dependents.
(his or her)

In the event of the death of the above, I undertake to advise the Superannuation Branch, Department of Finance, immediately.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

.....
(Signature)

Declared before me at.....
in the Province of.....
this..... day of.....19....

.....
A Judge, A Notary Public, A Justice of the Peace, A Police Magistrate, A Commissioner for taking Oaths in and for the Province of

.....

This Schedule should be completed in duplicate.

CERTIFICATE OF MEDICAL PRACTITIONER

I, ..., Medical Practitioner, residing at....., declare that....., who is in receipt of a superannuation allowance from the Dominion of Canada, is incapable of managing .....own affairs, on account of.....
(his or her)
.....

I recommend that.....allowance be paid to.....
(his or her)
....., as a proper person to administer such allowance for the maintenance and care of.....and.....dependents.
(his or her)

Date..... 19.... (Signed).....

CERTIFICATE OF CLERGYMAN

I, ..., pastor of....., declare that I am well acquainted with the facts set out in this statement and concur in the recommendation that the superannuation allowance payable to.....who is unable to manage.....own affairs, should be paid to.....
(his or her)
.... for
(wife, son, daughter, etc.)
the maintenance and care of..... and.....dependents.
(his or her)

(Signed) .....
Address .....
.....

Date .....19....

Civil Service Superannuation Act—*continued*

F.A. 74P Finance File No.....

FORM "P"

THE CIVIL SERVICE SUPERANNUATION ACT

Certificate to be given by the Deputy Head of a Department in connection with service of a contributor as a day labourer or other manual worker.

Name of contributor.....

Department .....

Branch .....

Authority for employment as a day labourer or other manual worker.....

.....

(Order in Council or Statute authorizing employment as a day labourer, etc.)

Date of employment or employments.....

.....

.....

Length of service in such employment or employments.....

I hereby certify that the above mentioned contributor was legally employed in the Civil Service as a bona fide day labourer or other manual worker for the period or periods shown above. I also certify that the said contributor was during the said period or periods actually engaged in the performance of the duties of a day labourer or manual worker and was not performing the duties of a clerical or other classification, employment in which is subject to the Civil Service Act or any other Act.

.....
Deputy Head

Date .....

NOTE:—This certificate must be completed in duplicate before service as a day labourer or other manual worker can be considered as service for purposes of the Civil Service Superannuation Act.

F.A. 74—Q—Eng. Finance File.....

FORM "Q"

CIVIL SERVICE SUPERANNUATION ACT

Election to be completed in connection with benefits provided under subsections 6(1) (*b*), 6(1) (*c*), 6(1) (*d*) or 6(1) (*j*).

Department: .....

Name of Contributor:.....

Date of Retirement or Death in the Civil Service (Specify which).....

To be Completed in Case of Death in the Civil Service:

Name of Widow:.....

Names of Children .....

.....

.....

.....

Civil Service Superannuation Act—*concluded*

Name of Guardian of Children if There is no Widow:.....

I,.....the undersigned, the

.....named above do
contributor, widow or guardian

hereby elect a....., of the optional benefits available pursuant to the
state benefit

terms of the Civil Service Superannuation Act and I understand that this my election is irrevocable.

....
Witness Signature

.....
Address

Dated this.....day of.....19....

Optional Benefits:

Subsection 6(1) (*b*)—Gratuity or adjusted annual retiring allowance.
Subsection 6(1) (*c*)—Gratuity or deferred adjusted annual retiring allowance.
Subsection 6(1) (*d*)—Withdrawal allowance or deferred adjusted annual allowance.
Subsection 6(1) (*j*)—Gratuity or adjusted retiring allowance.

This election must be attached to the relevant Schedule submitted in connection with the granting of the benefit under the Act.

Finance File No.....

FORM "R"

CIVIL SERVICE SUPERANNUATION ACT

Certificate of Prevailing Rate Employee

Name ..... Position No.....

Department ..... Branch .....

Classification ..... Full time or Seasonal.....

Rate of compensation ..... Date of Birth.....

Length of continuous service.....

Is the employee a veteran who would be eligible for overseas active service preference under the Civil Service Act?.....
(Yes or No)

Is the employee a person who comes within paragraph (*e*) of the Regulation No. 9(1)? .....
(Yes or No)

I hereby certfy that the above mentioned prevailing rate employee of the Department of ..... was appointed during pleasure by competent authority and his classification and rate of compensation were determined in the manner authorized by law and the duties of his position are of continuing indeterminate duration and that he complies fully with all other requirements of Regulation No. 9.

Date .....

.....
Deputy Head

NOTE: If the employee is a labourer, Form "P" must be attached to this certificate.

COAL AND COKE

CANADIAN COAL ACT. (1930, c. 6)

Regulations governing payment of assistance on coal to be converted into coke for the manufacture of iron or steel

P.C. 1921

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 6th day of August, 1930.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under the provisions of 20-21 Geo. V., Chapter 6, "An Act to place Canadian coal used in the manufacture of iron or steel on a basis of equality with imported coal", assented to on the 30th day of May, 1930, is pleased to make the annexed regulations governing the payment out of Consolidated Revenue Fund to manufacturers of iron or steel, of 49½ cents per ton on bituminous coal mined in Canada and converted into coke by a proprietor of coke ovens at his coke ovens in Canada and used by such manufacturer in the smelting in Canada of iron from ore or in the manufacture in Canada of steel ingots or steel castings, and they are hereby made and established accordingly.

N. A. ROBERTSON,
Clerk of the Privy Council.

REGULATIONS

1. Upon compliance with the provisions of Chapter 6 of the Statutes of 1930, and of these regulations and with the requirements of the Minister of Trade and Commerce thereunder, every manufacturer of iron or steel in Canada shall, so long as the provisions of Tariff Item No. 1019 in Schedule B. to the Customs Tariff remain in full effect, be entitled to payment out of the Consolidated Revenue Fund of 49½ cents per ton of bituminous coal mined in Canada and converted into coke by a proprietor of coke ovens at his coke ovens in Canada and used by such manufacturer in the smelting in Canada of iron from ore or in the manufacture in Canada of steel ingots or steel castings.

2. All manufacturers of iron and steel who desire to avail themselves of the provisions of the Act above referred to and receive payment thereunder, before making claim for such payments shall notify the Minister of Trade and Commerce of their intention to claim under the provisions of the Act and shall for registration purposes declare where their works are situate and the name and post office address of the President, Manager and Secretary of the Company, and Superintendent of the works; the estimated monthly production of iron and steel and the amount of bituminous coal mined in Canada and converted into coke by a proprietor of coke ovens at his coke ovens in Canada, and used in the smelting in Canada of iron from ore, or in the manufacture at their works in Canada of steel ingots or steel castings.

Canadian Coal Act—*concluded*

3. All claims for payment shall be made and substantiated under the oath of the Superintendent or Manager of the works, or of the official authorized by the manufacturer to make the claim. Such claims shall not include any bituminous coal converted into coke prior to eleven o'clock, p.m. May 30, 1930.

4. Claims may be made monthly, that is immediately after the close of each calendar month, and shall be in such form and contain such evidence as may seem, to the Minister of Trade and Commerce, from time to time necessary.

5. The books and accounts of any manufacturer making a claim for payment under these regulations shall, so far as they relate to the quantity of steel or iron manufactured, or to the bituminous coal converted into coke, or other ingredients used by such manufacturer in the smelting of iron from ore, or in the manufacture of steel ingots or steel castings, be at all times open to the inspection of the Minister of Trade and Commerce, or of such person as he may authorize to represent him.

The cost of such inspection and supervision shall be paid by the manufacturer of iron or steel making claim for payment under the Act and these regulations.

Such manufacturer shall keep such books and records as may be required from time to time by the Minister of Trade and Commerce.

6. No claim made otherwise than in conformity with these regulations and in form required by the Minister of Trade and Commerce, shall be recognized, allowed or paid by the Minister.

DOMINION COAL BOARD ACT. (1947, c. 57)

1. Financial assistance on movement of New Brunswick coal.
2. Financial assistance on movement of Nova Scotia coal.
3. Financial assistance on movement of Saskatchewan coal.
4. Financial assistance on movement of Alberta and British Columbia coal.
5. Financial assistance on Alberta and British Columbia coal exported from Canada or used as fuel by salt water vessels.

1. Financial assistance on movement of New Brunswick coal

P.C. 6124

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 1st day of December, 1949.

PRESENT:

HIS EXELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 1654 of 26th April, 1949, authorizing the extension of financial assistance in respect of the movement of coal mined in the Province of New Brunswick to points in the Provinces of Quebec and Ontario, has been amended from time to time;

AND WHEREAS it is desirable that the said Order in Council and amendments thereto be consolidated.

Dominion Coal Board Act—*continued*

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the Dominion Coal Board Act, 1947, is pleased to order as follows:

1. Order in Council P.C. 1654 of 26th April, 1949, as amended, is hereby revoked; and

2. The following Order is hereby made and established in substitution for the Order in Council hereby revoked;

ORDER

1. The Dominion Coal Board (hereinafter termed the "Board") is hereby authorized to extend financial assistance in respect of coal mined in the Province of New Brunswick (hereinafter referred to as "New Brunswick coal") and shipped wholly by rail for use by consumers other than the railways:

(*a*) To points in the Province of Quebec (excluding the City of Hull, points on the Quebec and Lake St. John Railway and points on the railways east of Levis and the Quebec Terminals) by the payment to the railway in respect of each shipment of an amount equal to thirty per cent (30%) of the freight rate in effect at the time of shipment;

(*b*) To points in the Province of Ontario and to the City of Hull in the Province of Quebec by the payment to the railway in respect to each shipment of an amount equal to one-seventh of one cent per ton mile or the sum of One Dollar and Fifty Cents ($1.50) per net ton, whichever is the less.

2. All payments made to the railways pursuant to paragraphs (*a*) and (*b*) of section 1 shall be received and applied by the railway in part payment of the freight charges for the movement in respect of which such payments were made.

3. The Board is hereby authorized to extend financial assistance in respect of the movement of New Brunswick coal to the Provinces of Quebec and Ontario for use by the railways by the payment to the railways in respect of each shipment of an amount equal to the difference, as determined by the Board, between the laid down cost to the railways at designated points of New Brunswick coal and the laid down cost to the railways at the same point of such imported coal as, in the opinion of the Board, might otherwise have been used or the sum of Two Dollars and Fifty Cents ($2.50) per net ton, whichever is the less.

4. Assistance shall not be extended hereunder in respect of the movement of New Brunswick coal in less than carload lots.

5. All applicants for assistance shall keep accurate and detailed accounts and records as to any movement of New Brunswick coal in respect of which an application for assistance is, or is intended to be, made and shall furnish to the Board all such information relating to such movement and to such application as the Board may consider requisite, and shall permit any person authorized by the Board to examine, audit and take copies of or extracts from the said accounts and records.

Dominion Coal Board Act—*continued*

6. All payments hereunder shall be made out of such moneys as may be provided by Parliament from year to year for such purpose, and the administration hereof is hereby vested in the Board which shall annually report to the Minister of Trade and Commerce as to the amounts paid hereunder during the year immediately preceding the making of such report.

N. A. ROBERTSON,
Clerk of the Privy Council.

2. Financial assistance on movement of Nova Scotia coal

P.C. 6125

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 1st day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 650 of 26th February, 1948, authorizing the extension of financial assistance in respect of the movement of coal mined in the Province of Nova Scotia to points in the Provinces of Quebec, Ontario and Newfoundland, has been amended from time to time;

AND WHEREAS it is desirable that the said Order in Council and amendments thereto be consolidated.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to The Dominion Coal Board Act, 1947, is pleased to order as follows:

1. Order in Council P.C. 650 of 26th February, 1948, as amended, is hereby revoked; and

2. The following order is hereby made and established in substitution for the Order in Council hereby revoked:

ORDER

1. The Dominion Coal Board (hereinafter termed the "Board") is hereby authorized to extend financial assistance in respect of the movement of coal mined in the Province of Nova Scotia (hereinafter referred to as "Nova Scotia coal") to points in the Provinces of Quebec, Ontario and Newfoundland for use by consumers other than the railways by the payment of a sum of money in respect of each shipment in an amount to be determined and calculated as follows:

(*a*) Where Nova Scotia coal is transported wholly by rail to points in the Province of Quebec (excluding the City of Hull, points on the Quebec and Lake St. John Railway and points on the railways east of Levis and the Quebec Terminals) the assistance may be by the payment to the railway of an amount equal to thirty per cent (30%) of the freight rate in effect at the time of shipment;

(*b*) Where Nova Scotia coal is transported wholly by rail to points in the Province of Ontario and to the City of Hull in the Province of Quebec the assistance may be by payment to the railway of an amount equal to one-seventh of one cent per ton mile or the sum of One Dollar and Fifty Cents ($1.50) per net ton, whichever is the less;

Dominion Coal Board Act—*continued*

(*c*) Where Nova Scotia coal is transported by water to ports in the Province of Quebec situated on the St. Lawrence River, east of and including the port of Montreal, and to ports in the Provinces of Quebec and Newfoundland situated on the Gulf of St. Lawrence, the assistance may be by payment to the coal mine operator, transportation agent, or coal distributor, as the case may be, of an amount equal to the difference, as determined by the Board, between the laid down cost at any of the said ports of Nova Scotia coal and the laid down cost at the same port of imported coal or the sum of Two Dollars ($2.00) per net ton, whichever is the less;

(*d*) Where Nova Scotia coal in respect of which assistance has been or might have been granted under paragraph (*c*) is transhipped to points in the Province of Quebec situated outside the market areas of the ports of Montreal, Quebec and Three Rivers, or is transhipped to such specific points within the said areas as may be designated by the Board, the assistance granted on any such transhipment may be by payment to the coal mine operator or coal distributor, as the case may be, of an amount equal to the difference, as determined by the Board, between the laid down cost at any of the said points of Nova Scotia coal and the laid down cost at the same point of imported coal or the sum of One Dollar and Seventy-five Cents ($1.75) per net ton, whichever is the less;

(*e*) Where Nova Scotia coal in respect of which assistance has been or might have been granted under paragraph (*c*) is transhipped by rail to points in the Province of Ontario, and to the City of Hull and the railway points of Timiskaming and Gatineau in the Province of Quebec, the assistance may be by the payment to the railway of an amount equal to one third of one cent per ton mile or the sum of One Dollar and Fifty Cents ($1.50) per net ton whichever is the less;

(*f*) Where Nova Scotia coal is transported by water to points situated west of the Island of Montreal, the assistance may be by payment to the coal mine operator or coal distributor, as the case may be, of such amount as might have been paid under paragraph (*e*) if the coal had been moved to the same points by rail or the sum of One Dollar and Fifty Cents ($1.50) per net ton, whichever sum is the less, provided always that payment under this paragraph may be made in addition to any payment made under paragraph (*c*);

(*g*) Where Nova Scotia coal, in respect of which assistance has been or might have been granted under paragraph (*f*) is transhipped by rail to points in the Province of Ontario situated west of the City of Kingston the assistance granted may be by the payment to the railway of an amount equal to one third of one cent per ton mile or the sum of Fifty Cents (50c) per net ton, whichever is the less.

2. All payments made to the railways pursuant to paragraphs (*a*), (*b*), (*e*), and (*g*) of section 1 shall be received and applied by the railway in part payment of the freight charges for the movement in respect of which such payments were made.

3. The Board is authorized to extend financial assistance in respect of the movement of Nova Scotia coal to points in the Provinces of Quebec and Ontario for use by the railways by the payment to the railways in respect of each shipment of an amount equal to the difference, as determined by

Dominion Coal Board Act—*continued*

the Board, between the laid down cost to the railways at designated points of Nova Scotia coal and the laid down cost to the railways at the same point of such imported coal as, in the opinion of the Board, might otherwise have been used or the sum of Two Dollars and Fifty Cents ($2.50) per net ton, whichever is the less.

4. Assistance shall not be extended hereunder in respect of the movement of Nova Scotia coal in less than carload lots.

5. All applicants for assistance shall keep accurate and detailed accounts and records as to any movement of Nova Scotia coal in respect of which an application for assistance is, or is intended to be, made and shall furnish to the Board all such information relating to such movement and to such application as the Board may consider requisite and shall permit any person authorized by the Board to examine, audit and take copies of or extracts from the said accounts and records.

6. Payments hereunder shall be made out of such moneys as may be provided by Parliament from year to year for such purpose, and the administration hereof is hereby vested in the Board which shall annually report to the Minister of Trade and Commerce as to the amounts paid hereunder during the year immediately preceding the making of such report.

N. A. ROBERTSON,
Clerk of the Privy Council.

3. Financial assistance on movement of Saskatchewan coal

P.C. 3539

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 25th August, 1948.

The Committee of the Privy Council have had before them a report, dated 4th August, 1948, from the Minister of Reconstruction and Supply, representing:

That Order in Council P.C. 3972 of December 5, 1939, authorizes the extension of financial assistance in respect of the movement of coal mined in the Province of Saskatchewan (hereinafter called "Saskatchewan coal") and shipped to points in the Provinces of Manitoba and Ontario;

That it is now considered by the Dominion Coal Board (hereinafter called "Board") that the assistance so provided should be changed to meet the present competitive cost of imported coal;

The Committee, therefore, on the recommendation of the Minister of Reconstruction and Supply, advise:

1. That the said Order in Council P.C. 3972 of December 5, 1939, be rescinded but any acceptances issued under the authority thereof by the Dominion Coal Board on shipments up to August 31, 1948, shall remain in effect in accordance with their terms;

2. That the Board be authorized to extend financial assistance in respect to Saskatchewan coal, and briquettes made from said coal, and shipped by rail to points in the Province of Ontario for use by all con-

Dominion Coal Board Act—*continued*

sumers, by the payment to the railways in respect to each such shipment of an amount equal to twenty per cent (20%) of the said freight rate or the sum of one dollar ($1.00) per net ton whichever is less;

3. That such payments as are made to the railways pursuant to Section 2 hereunder in respect of Saskatchewan coal shipped to consumers other than the railways shall be received and applied by the railways in part payment of the freight charges for the shipments in respect of which such payments were made;

4. That the Minister of Reconstruction and Supply may refuse approval to each and every application for assistance under this authority;

5. That in no case shall assistance be extended hereunder in respect to shipments of less than carload lots;

6. That all applicants for assistance shall keep accurate and detailed accounts and records as to any movement of Saskatchewan coal in respect of which an application for assistance is, or is intended to be, made and shall furnish to the Board all such information relating to such movement and to such application as the Board may consider requisite and shall permit any person authorized by the Board to examine, audit and take copies of or extracts from the said accounts and records;

7. That payments hereunder be made out of such moneys as may be provided by Parliament from year to year for such purpose and that the administration hereof be vested in the Board which shall annually report to the Minister of Reconstruction and Supply as to the amounts paid hereunder during the year immediately preceding the making of such report.

N. A. ROBERTSON,
Clerk of the Privy Council.

4. Financial assistance on movement of Alberta and British Columbia coal

P.C. 3538

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 25th August 1948.

The Committee of the Privy Council have had before them a report from the Minister of Reconstruction and Supply representing that it is considered by the Dominion Coal Board (hereinafter called "Board") that the financial assistance in respect of the movement of coal mined in the Province of Alberta and in the Crowsnest Pass area of the Province of British Columbia and shipped to points in the Province of Ontario should be extended to include the movement of the aforesaid coal to the Province of Manitoba for use by the railways, and changed to meet the present competitive cost of imported coals.

The Committee, therefore, on the recommendation of the Minister of Reconstruction and Supply, advise:

1. That the Board be authorized to extend financial assistance in respect to coal mined in the Province of Alberta and the Crowsnest Pass District of British Columbia, and briquettes made from the said coal, and shipped by rail;

Dominion Coal Board Act—*continued*

(*a*) To points in the Province of Ontario to which the freight rate at the time of such shipment is less than Eight Dollars and Twenty-Five Cents ($8.25) per net ton, for use by all consumers other than by the railways in locomotives, by the payment to the railways in respect to each shipment of an amount equal to twenty per cent (20%) of the freight rate applicable to the respective shipment, the said assistance to be effective on and after September 1, 1948;

(*b*) To points in the Province of Ontario to which the freight rate at the time of such shipment is Eight Dollars and Twenty-Five Cents ($8.25) per net ton or in excess thereof, for use by all consumers other than by the railways in locomotives, by the payment to the railways in respect to each such shipment of the sum of Two Dollars and Fifty Cents ($2.50), the said assistance to be effective on and after September 1, 1948;

(*c*) To points in the Provinces of Ontario and Manitoba, for use by the railways in locomotives, by the payment to the railways in respect to each such shipment of an amount equal to the difference, as determined by the Board, between the laid down cost to the railways at any point in the said two Provinces of the aforesaid coal and the laid down cost to the railways at the same point of imported coal or the sum of Two Dollars and Fifty Cents ($2.50) per net ton whichever is the less, the said assistance to be effective as from and including July 1, 1948;

2. That all payments made to the railways pursuant to paragraphs (*a*) and (*b*) of section 1 hereof shall be received and applied by the railways in part payment of the freight charges for the shipments in respect of which such payments were made;

3. That the Minister of Reconstruction and Supply may refuse approval to any application for assistance under this authority;

4. That in no case shall assistance be extended hereunder in respect to shipments of less than carload lots;

5. That all applicants for assistance shall keep accurate and detailed accounts and records as to any movement of coal mined in the Province of Alberta and the Crowsnest Pass area of British Columbia in respect of which an application for assistance is, or is intended to be, made and shall furnish to the Board all such information relating to such movement and to such application as the Board may consider requisite and shall permit any person authorized by the Board to examine, audit and take copies of or extracts from the said accounts and records;

6. That payments hereunder be made out of such monies as may be provided by Parliament from year to year for such purpose and that the administration hereof be vested in the Board which shall annually report to the Minister of Reconstruction and Supply as to the amounts paid hereunder during the year immediately preceding the making of such report.

N. A. ROBERTSON,
Clerk of the Privy Council.

Dominion Coal Board Act—*concluded*

5. Financial assistance on Alberta and British Columbia coal exported from Canada or used as fuel by salt water vessels

P.C. 1094

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th March 1949.

The Committee of the Privy Council have had before them a report from the Minister of Trade and Commerce, representing:

That Order in Council P.C. 3971 of December 5, 1939, authorizes the extension of financial assistance in respect of coal mined in the Province of British Columbia and sold for export to foreign countries or as fuel for ships' stores; and

That it is now considered by the Dominion Coal Board (hereinafter called the "Board") that the export of Canadian coal to foreign markets should be encouraged by extending the assistance so provided to coal mined in the Province of Alberta.

The Committee, therefore, on the recommendation of the Minister of Trade and Commerce, advise:

1. That the said Order in Council P.C. 3971 of December 5, 1939, be revoked as of February 28, 1949;

2. That the Board be authorized to extend financial assistance in respect of coal mined in the Provinces of Alberta and British Columbia where the said coal is:

(*a*) exported from Canadian seaports to foreign countries other than the United States of America and its territorial possessions, by the payment to the coal mine operator or distributor, as the case may be, of such amount, not exceeding one dollar ($1.00) per net ton, as the Board may deem necessary to place the said coal on a competitive basis with coals of other origin; or

(*b*) sold and delivered for ships' stores for use as fuel by vessels navigating entirely in salt water, by the payment to the coal mine operator or distributor, as the case may be, of seventy-five cents (75c) per net ton.

3. That all applicants for assistance shall keep accurate and detailed accounts and records as to any export or any sale for ships' stores of coal mined in the Provinces of Alberta and British Columbia in respect of which an application is, or is intended to be, made hereunder and shall furnish to the Board all such information relating to such export or sale and to such application as the Board may consider requisite and shall permit any person authorized by the Board to examine, audit and take copies of or extracts from the said accounts and records;

4. That payments hereunder be made out of such monies as may be provided by Parliament from year to year for such purpose and that the administration hereof be vested in the Board, which shall annually report to the Minister of Trade and Commerce as to the amounts paid hereunder during the year immediately preceding the making of such report;

5. That the assistance herein authorized shall be effective as from and including March 1, 1949.

N. A. ROBERTSON,
Clerk of the Privy Council.

46917—23½

COASTWISE AND FOREIGN SHIPPING REGULATIONS

See CUSTOMS ACT.

COLD STORAGE ACT. (R.S.C., 1927, c. 25)
Regulations under the Cold Storage Act

P.C. 5683

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 10th day of December, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of the Cold Storage Act, Revised Statutes of Canada, 1927, Chapter 25, is pleased to order as follows:

1. The Regulations under Part I of the Cold Storage Act, established by Order in Council P.C. 7097 of 27th November, 1945, as amended, are hereby revoked; and

2. The annexed "Regulations under the Cold Storage Act" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

REGULATIONS UNDER THE COLD STORAGE ACT

1. In these Regulations, unless the context otherwise requires, "public" includes members of any producers' or fishermen's co-operative association.

2. Applications for a cold storage subsidy shall be made in duplicate on the forms prescribed in Schedule "A" to these Regulations and each application shall be accompanied by the following information, also in duplicate:—

(*a*) a plan of the warehouse, showing details of the construction;
(*b*) a written specification of the insulation, with detailed drawings which may be shown on the plan of the warehouse required by paragraph (*a*) of this section;
(*c*) a specification of the refrigerating machinery, or the detailed specification and tender submitted by the person installing the machinery and equipment;
(*d*) a sketch showing the location of the proposed warehouse in relation to railways and wharves;
(*e*) a schedule of the rates which it is proposed to charge for storage;
(*f*) the full name of the applicant, or, in the case of a corporation, the full names of the president and secretary thereof, or, in the case of a partnership, the full names of all the members thereof; and
(*g*) the authorized capital, the subscribed capital, the paid up capital, a list of subscribers and the amount subscribed by each, if the applicant is a corporation.

Cold Storage Act—*continued*

3. All applications, accompanied by the information required by section two of these Regulations, shall be filed in duplicate with the Department of Agriculture, Ottawa.

4. The cost of any work done or materials or equipment purchased or the amount of any liability incurred prior to the date of the contract entered into under section thirteen of these Regulations, other than in respect of the site, water supply, or architect's fees for preparing the plans of the warehouse, shall not be included in the cost of construction for subsidy purposes.

5. No contract shall be entered into under section thirteen of these Regulations unless

(*a*) the refrigerated space to be provided is, in the opinion of the Minister, required in the public interest in the locality;

(*b*) not more than fifteen per centum of the refrigerated space of the warehouse, other than a warehouse constructed by a co-operative association of agricultural producers, fishermen or consumers, is allocated for

(i) the installation of private lockers;

(ii) corridors necessary for access to lockers;

(iii) freezer space for freezing goods prior to being placed in lockers; and

(iv) cutting rooms or other space to be used to prepare food for storage in lockers; and

(*c*) all rooms containing private lockers are wholly allocated for the installation of private lockers.

6. In determining the amount expended on warehouses built under a subsidy contract:—

(*a*) no expenditures made for the purchase or installation of used materials or equipment, except as provided by paragraphs (*e*) and (*f*) of this section, shall be included;

(*b*) no expenditures made for office or other equipment or machinery which is not necessary for the operation of a cold storage warehouse shall be included;

(*c*) only that part of unrefrigerated space that is essential to the efficient operation of a cold storage warehouse shall be included, but in no case shall such unrefrigerated space exceed fifty per centum of the refrigerated space;

(*d*) only the following unrefrigerated space shall be deemed to be essential to the operation of a cold storage warehouse, namely:

(i) compressor room;

(ii) corridors;

(iii) elevators;

(iv) office space; and

(v) rest rooms;

(*e*) if an existing building is to be converted into a public cold storage warehouse, the amount to be allowed for the cost of the building and site shall be either the purchase price, or the appraised value determined by the Chief Architect, Department of Public Works, as the Minister may decide;

Cold Storage Act—*continued*

(*f*) if only part of an existing building is to be converted into a public cold storage warehouse the amount to be allowed for
  (i) the cost of the site shall be an amount which bears the same proportion to the value of the whole site, determined as provided in paragraph (*e*) of this section, as the area of the part bears to the area of the whole;
  (ii) the cost of the building shall be an amount which bears the same proportion to the value of the whole building, determined as provided in paragraph (*e*) of this section, as the cubic capacity of the part bears to the cubic capacity of the whole.

7. (1) Payment of the first instalment of subsidy shall not be made until proper vouchers for the cost of site, building, equipment and other authorized expenditures have been approved.

(2) Where the applicant for subsidy engages a contractor to construct the warehouse on a cost-plus basis, no subsidy shall be paid until there is produced to the Minister the invoices, paysheets, records, cancelled cheques and other documents of the contractor relating to the cost of construction and equipment of the warehouse.

8. Every owner or operator of a subsidized cold storage warehouse
(*a*) shall provide storage temperatures which, in the opinion of the Minister, are suitable for the products stored;
(*b*) shall accept unconditionally for storage at approved rates and when space is available, any fish or squid intended for bait; and
(*c*) shall submit an annual report or other essential information as may be required by the Minister.

9. No owner or operator of a subsidized cold storage warehouse
(*a*) shall increase the approved scale of rates for storage without the approval of the Governor in Council;
(*b*) shall allow or agree to allow any person to have all the refrigerated space in the warehouse to the exclusion of the public; or
(*c*) shall refuse to receive products for storage from the public on the ground of lack of space when any goods belonging to the owner or operator are stored therein.

10. Every person constructing a subsidized public cold storage warehouse under a contract made pursuant to these Regulations shall in the construction and equipping of such warehouse, observe and require the observance of the Fair Wages and Hours of Labour Act, 1935, respecting fair wages and hours of labour.

11. All rights and obligations of any person, firm, or corporation owning or operating any subsidized cold storage warehouse shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors or assigns of such person, firm or corporation.

12. Every person who contravenes or fails to comply with any provisions of section eight, nine or ten of these Regulations shall be liable on summary conviction to a fine not exceeding fifty dollars.

13. Contracts for the payment of subsidies under the Act shall be in the form prescribed in Schedule "B" to these Regulations.

Cold Storage Act—*continued*

SCHEDULE "A"

Application for a Cold Storage Subsidy

To the Minister of Agriculture,
Ottawa.

SIR:

The undersigned hereby makes application for a subsidy on a public cold storage warehouse to be erected at.....in the province of .....in accordance with the provisions of the Cold Storage Act.

The following particulars refer to the proposed cold storage warehouse, namely:—

Particulars

Cubic capacity of space (inside measurements), if any, intended for the storage of fish, butter, meats or other goods at freezing temperatures .....

Cubic capacity of space (inside measurements), if any, intended for the storage of cheese, fruit or other goods at temperatures above 30 degrees F. .....

Cubic capacity of space (inside measurements), if any, intended to be used as private locker storage.....

Total refrigerated space, in cubic feet (inside measurements).....

.....

Cubic capacity of space (inside measurements), if any, for other purposes (specify) .....

.....

.....

Size of building, in cubic feet (inside measurements) .....

Number of separate chambers .....

Principal products to be stored.....

.....

Kind of materials to be used in the construction of the building.....

.....

Kind of insulation to be used.....

System of mechanical refrigeration to be used.....

Capacity of refrigerating machinery, in tons of refrigeration per 24 hours .....

Cold Storage Act—*continued*

Source of water supply .....

Estimated cost of building, equipment and water supply..$.....

Cost of site .....$.....

Total estimated cost of completed warehouse.....$.....

The portion of the building to be used for the purpose of a public cold storage warehouse .....

Dated at .....in the province of.....

this.....day of.....A.D., 19....

.....
(Applicant)

.....
(Applicant)

Note.—Where the applicant is a partnership, each partner must sign the application and where the applicant is a corporation the application must be signed by the President and Secretary thereof and sealed with the seal of the corporation.

Certificate

We hereby certify that no work on the construction, insulation or equipment of the proposed warehouse has been initiated and that no commitment for the purchase of either materials or equipment, with the following exceptions, ...

.....

.....

has been entered into at this date ..... 19.....; and we further certify that the particulars set forth herein are true to the best of our knowledge and belief.

.....
(Applicant)

.....
(Applicant)

(to be signed in the same manner as the application)

Cold Storage Act—*continued*

SCHEDULE "B"

Form of Contract

The following shall be the form of contract to be entered into between His Majesty the King and the Contractor.

Agreement made in duplicate this.....day of.....A.D. one thousand nine hundred and.....

BETWEEN

His Majesty the King, in the right of Canada, hereinafter called "His Majesty", of the first part;

AND

.....; hereinafter called the "Contractor", of the second part;

Whereas the Contractor has agreed to build a public cold storage warehouse at .....in the Province of.....and has applied for a subsidy under the Cold Storage Act;

And whereas the location and plans and specifications of the said warehouse were approved by order of the Governor in Council dated the .....day of....., A.D.

Witnesseth that in consideration of the covenants and agreements on the part of His Majesty hereinafter contained, the Contractor covenants and agrees with His Majesty as follows:

1. In this agreement "Minister" means the Minister of Agriculture for the time being of the Government of Canada.

2. All covenants and agreements herein contained shall be binding on and extend to the heirs, executors, administrators, successors and assigns of the Contractor and shall extend to and be binding upon the heirs and successors of His Majesty.

3. The Contractor shall build, construct and erect a public cold storage warehouse at ....., in the Province of.....in and upon a site to be approved by the Minister, the said warehouse to be equipped with mechanical refrigeration and suitable for the preservation of all food products.

4. The said warehouse shall be built in the manner required by and in all respects in strict conformity with the specifications and the plans approved by order of the Governor General in Council, dated the..... day of....., A.D. and of record in the Department of Agriculture, and such specifications and plans are hereby declared to be a part of this agreement.

Cold Storage Act—*continued*

5. If any question or dispute arises regarding work or materials or as to the meaning or intent of this agreement, the explanation and interpretation given by the Minister shall be received and shall be finally binding and conclusive upon the Contractor.

6. During the construction, maintenance and operation of the said warehouse every facility shall be given to the Minister, and to such other person or persons as he may from time to time designate, to inspect every portion of the said warehouse and the materials to be used in the construction thereof.

7. The Contractor shall maintain and operate the said warehouse in accordance with such regulations as may be made from time to time by the Governor in Council, and the rates to be charged for storage in such warehouse shall be subject to the approval of the Governor in Council.

8. Except as hereinafter provided the Minister shall pay the Contractor a subsidy not exceeding in the whole thirty per cent of the amount expended and approved of in the construction and equipment of the said warehouse, payable in instalments as follows:

Upon the warehouse being completed and cold storage at suitable temperatures being provided therein, the whole to the satisfaction of the Minister, a sum not exceeding fifteen per cent of the amount so expended and approved; at the end of the first year thereafter, seven per cent of the said amount; at the end of the second year thereafter, four per cent of the said amount; and at the end of each of the two next succeeding years two per cent of the said amount; provided always that the warehouse is maintained and operated to the satisfaction of the Minister.

9. The Minister may refuse to pay any part of the said subsidy if in his opinion the operation of the warehouse has not been of such a character as to provide for the proper preservation of such produce as may be stored therein.

10. The whole amount of the subsidy payable hereunder shall not, in any case, exceed the sum of.....

11. The Minister may require the Contractor to submit such vouchers and verify the cost of construction of the said warehouse in such manner as he may from time to time direct, and his decision with respect to the cost of the construction of the said warehouse, for the purpose of fixing the amount of the said subsidy, shall be final and conclusive.

12. The said warehouse shall be built and completed to the satisfaction of the Minister not later than the .....day of.....and shall thereafter be maintained and operated continuously to entitle the Contractor to any portion or portions of the said subsidy, and time shall be considered as of the essence of this agreement.

13. If the said warehouse should be burnt or otherwise damaged or destroyed before all the payments of the said subsidy have been made, then and in such case, if the Contractor repairs or rebuilds the said warehouse within such time as may be fixed by the Minister in accordance with the said plans and specifications and operates and maintains the said warehouse as hereinbefore provided and otherwise complies with all the covenants and provisions of this agreement the whole to the satisfaction

Cold Storage Act—*concluded*

of the said Minister the Contractor shall be paid the unpaid portion or portions of the said subsidy upon the same terms and in the same manner as if the said warehouse had not been damaged or destroyed.

14. The Contractor shall not assign this contract without the authority of the Governor in Council.

15. The Contractor shall, in the construction and equipping of the said warehouse, observe and require the observance of the Fair Wages and Hours of Labour Act, 1935, respecting fair wages and hours of labour.

16. This contract is, pursuant to the Statute in that behalf, made subject to the express condition that no member of the House of Commons of Canada shall be admitted to any share or part of such contract or to any benefit to arise therefrom.

In witness whereof the parties hereto have executed this agreement on the day and year first above written.

Signed on behalf of His Majesty by the Minister of Agriculture in the presence of .... (Seal)

Signed by the Contractor in the presence of .... (Seal)

COMBINES INVESTIGATION ACT. (R.S.C., 1927, c. 26)

Regulations under the Combines Investigation Act

P.C. 1291

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of April, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice and under the authority of the Combines Investigation Act, Chapter 26, Revised Statutes of Canada, 1927, and amendments thereto, is pleased to make the following regulations and they are hereby made and established accordingly:

REGULATIONS UNDER THE COMBINES INVESTIGATIONS ACT

1. Any authorization issued by the Commissioner of the Combines Investigation Act under subsection 3 of section 6 of that Act authorizing a Deputy Commissioner of the Combines Investigation Act to make inquiry regarding any matter shall be in writing and shall show the matter into which the Deputy Commissioner is to make inquiry.

Combines Investigation Act—*concluded*

2. A Deputy Commissioner, in making any inquiry that he is authorized to make, shall have all the powers and duties that the Commissioner has under sections 14 to 24, both inclusive, of the Act.

3. For the purposes of sections 34, 35 and 36 of the Act, an order notice or demand made or issued by a Deputy Commissioner pursuant to the Act and these Regulations shall be deemed to have been made or issued by the Commissioner.

4. No application under subsection 2A or subsection 2B of section 22 of the Act shall be made by a Deputy Commissioner without the prior approval of the Commissioner.

5. All proceedings conducted by a Deputy Commissioner shall be conducted in private unless the Commissioner orders that all or any portion of the proceedings shall be conducted in public.

6. For the purposes of the Act, any information, evidence, books, papers, records or other documents obtained by a Deputy Commissioner in the course of an inquiry under the Act shall be deemed to have been obtained by the Commissioner.

7. Nothing in these Regulations shall be construed to limit or affect the powers or duties of a Deputy Commissioner acting under subsection 2 of section 6 of the Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

CANADIAN COMMERCIAL CORPORATION ACT. (1946, c. 40)

No statutory orders or regulations have been made under this statute.

COMPANIES ACT, 1934. (1934, c. 33)

Tariff of Fees under the Companies Act

P.C. 3139

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of July, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State and pursuant to the provisions of section 137 of the Companies Act, 1934, 24-25 George V, Chapter 33, is pleased to order as follows:

1. The Tariff of Fees under the Companies Act, 1934, established by Order in Council P.C. 1039 of 30th April, 1936, as amended, is hereby revoked; and

2. The Tariff of Fees under the Companies Act, 1934, hereunto annexed, is hereby made and established in substitution for the Tariff of Fees hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Companies Act—*continued*

UNDER THE COMPANIES ACT, 1934

PART I

UPON LETTERS PATENT AND SUPPLEMENTARY LETTERS PATENT:		
When the proposed capital of the company is $50,000 or less..	$ 100 00	
When the proposed capital is more than $50,000 and not more than $200,000.....	100 00	and $1 for each $1,000 or fractional part thereof in excess of $50,000.
When the proposed capital is more than $200,000 and not more than $500,000.....	250 00	and fifty cents for each $1,000 or fractional part thereof in excess of $200,000.
When the proposed capital is more than $500,000	400 00	and twenty cents for every additional $1,000 or fractional part thereof.
Upon Letters Patent to a company having an authorized capital comprising shares without nominal or par value as provided by section 12, when no amount at which shares may be sold is set out in the Letters Patent, then the amount of each share shall be fixed at $100 and the fee payable shall be according to the foregoing tariff.		
When an amount at which shares may be sold is fixed by the Letters Patent the fee shall be calculated according to the foregoing tariff on the aggregate of the capital at the amount so fixed.		
Upon Supplementary Letters Patent increasing the capital of a company the fee to be according to the foregoing tariff, but on the increase only, that is the fee to be the same as for the incorporation of a company with a capital equal to the increase.		
Upon the Supplementary Letters Patent changing the name of a company	50 00	
Upon Supplementary Letters Patent for other purposes....	100 00	
Upon filing of an application for acceptance of the surrender of Letters Patent under section 29.....	50 00	
Upon filing of returns under section 121, the fee payable upon each return shall be as follows:		
When the capital stock of the company is $200,000 or less..	5 00	
When the capital stock of the company is more than $200,000 and not more than $500,000.....	10 00	
When the capital stock of the company is more than $500,000 but not more than $1,000,000.....	25 00	
When the capital stock is more than $1,000,000.....	25 00	and $1 on each $1,000,000 or fraction thereof in excess of the first million, but not exceeding $50 in all.
Upon filing of a return of a company having shares without nominal or par value the fee payable shall be calculated upon the capitalization of such company according to the manner prescribed for computing the fee for Letters Patent issued to such company.		
Upon registration of Mortgage and other instruments under sections 66, 67 and 68.....	5 00	

Companies Act—*concluded*

Upon inspection of Register (section 66, subsection 8)	1 00
Upon the filing, deposit or registration of any by-law, prospectus, statement, consent or agreement or other document under the provisions of Part I of the Companies Act, 1934	2 00
Exemplification	15 00
Certificate of Authentication	5 00
Certificate of Secretary of State or Under-Secretary of State or Deputy Registrar General	2 00
Search—(as defined by order of the Secretary of State) when names, dates, etc., are given	1 00
Long searches, owing to insufficient or incorrect indications, per half hour	1 00
Copying (per typewritten foolscap page)	0 25

PART II

UPON LETTERS PATENT OR SUPPLEMENTARY LETTERS PATENT TO ANY CORPORATION UNDER PART II:

When incorporated for historical, literary, scientific, artistic or charitable purposes (other than a flying club not organized for the purpose of gain or financial profit and with the concurrence of the Minister of Transport when there shall be no fee)	$ 10 00
When incorporated for carrying on co-operative activities of the nature authorized by Part II	10 00
When incorporated for any other purposes authorized by Part II	100 00
Upon Supplementary Letters Patent changing the name of a corporation without share capital (other than a corporation incorporated without fee, in which case there shall be no fee for the Supplementary Letters Patent)	50 00
Upon application for acceptance of the surrender of the Letters Patent or Supplementary Letters Patent of any corporation without share capital incorporated for historical, literary, scientific, artistic or charitable purposes (other than a corporation incorporated without fee, in which case there shall be no fee for such surrender)	10 00
Upon application for acceptance of the surrender of the Letters Patent or Supplementary Letters Patent of any corporation without share capital, other than the classes of corporation mentioned in the last preceding item	20 00
Upon filing of a return under section 121 of a corporation incorporated under Part II for charitable purposes	1 00
Upon the filing of a return of any corporation incorporated under Part II (other than a corporation incorporated without fee, in which case there shall be no fee for the filing of such return)	2 00
Upon the filing, deposit or registration of any by-law or other document under the provisions of Part II of the Companies Act, 1934 (other than a corporation incorporated without fee, in which case there shall be no fee for such filing, deposit or registration)	2 00

COMPANIES' CREDITORS ARRANGEMENT ACT 1933. (1932-33, c. 36)

No statutory orders or regulations have been made under this statute.

CONCILIATION AND LABOUR ACT. (R.S.C., 1927, c. 110)

No statutory orders or regulations have been made under this statute.

CONSOLIDATED REVENUE AND AUDIT ACT, 1931. (1931, c. 37)

Domestic Bonds of Canada Regulations

P.C. 6321

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 21st day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and by virtue of the powers conferred by The Consolidated Revenue and Audit Act, 1931, is pleased to order as follows:

1. The regulations respecting the inscription, transfer, management and redemption of Domestic Securities of the Government of Canada, established by Order in Council P.C. 5938 of 25th October, 1940, as amended, are hereby revoked;

2. The regulations respecting the management and redemption of War Savings Certificates and War Savings Stamps, established by Order in Council P.C. 306 of 28th January, 1947, as amended, are hereby revoked; and

3. The annexed regulations entitled the "Domestic Bonds of Canada Regulations" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

SHORT TITLE

1. These regulations may be cited as the Domestic Bonds of Canada Regulations.

PART I

INTERPRETATION

2. (1) In these regulations

(*a*) "Bank" means the Bank of Canada;

(*b*) "bond" means a bond, debenture, note, savings certificate or other like security payable in money of Canada issued by or on behalf of the Government of Canada under the authority of an Act of the Parliament of Canada or of these regulations or of any regulations for which these regulations have been substituted; and

Consolidated Revenue and Audit Act—*continued*

(*c*) "registered owner"

(i) of a bond as to principal, means a person whose name has been entered by the Bank in the register as the person to whom the principal is payable, and

(ii) of a bond as to principal and interest, means the person whose name has been entered by the Bank in the register as the person to whom the principal and interest are payable.

(2) Where under these regulations any act is required to be done by the Bank or is effective if done by the Bank, the act is deemed to have been done by the Bank for the purposes of these regulations if it has been done by an officer or employee of the Bank acting in the course of his duties as such or by a person authorized by the Bank to do that act on behalf of the Bank.

(3) Where under these regulations the Bank is required to or may do an act if it is satisfied or has formed an opinion in respect of any matter, or if any events appear to the Bank to have occurred, it is sufficient for the purposes of these regulations if the appropriate officer or employee of the Bank satisfies himself or forms the opinion or the events appear to him to have occurred.

APPLICATION

3. These regulations apply in respect of all bonds except in so far as they are inconsistent with the terms of the bonds.

REGISTRAR

4. (1) The Bank of Canada shall maintain at its Public Debt Division in the City of Ottawa a register of bonds in accordance with these regulations.

(2) The Bank shall, in accordance with these regulations, register persons as owners of bonds, discharge the registration of persons as owners of bonds and give effect to transfers of bonds as may be required from time to time in accordance with applications to the Bank to purchase bonds at the time of issue thereof or in accordance with the terms of outstanding bonds and may, subject to the terms upon which the bonds are issued, issue such bonds from time to time as may be required for these purposes or to give effect to the terms of outstanding bonds or these regulations.

(3) Any duty, power or discretion imposed or conferred upon the Deputy Minister of Finance by the terms of bonds, that was imposed or conferred upon the Bank of Canada by Order in Council P.C. 5938, of October 25, 1940, continues to be imposed and conferred upon the Bank and anything done by the Bank as registrar of bonds in accordance with these regulations or any other regulations or laws applicable thereto continues to be and is as valid and effectual for all purposes as if done by the Deputy Minister of Finance.

(4) The Bank may authorize a person to act on its behalf for any of the purposes of these regulations, and where the person so authorized is a corporation, its appropriate officers or employees shall be deemed to be authorized to act on behalf of the Bank.

Consolidated Revenue and Audit Act—*continued*

REGISTRATION

Manner of Registration

5. (1) Where a person is to be registered as owner

(*a*) of a bond as to principal, the Bank shall enter his name, with particulars of the bond, in the register as the person to whom the principal is payable, or

(*b*) of a bond as to principal and interest, the Bank shall enter his name and post office address, with particulars of the bond, in the register as the person to whom the principal and interest are payable.

(2) Where two or more persons are to be registered as owners of a bond as to principal and interest there shall be indicated by the owners only one address that is to be entered in the register which address shall be the registered address of all those persons for all purposes relating to the bond.

Effect of Registration

6. (1) Where in accordance with these regulations, a person has been registered by the Bank as owner of a bond as to principal or as to principal and interest, the entry in the register shall be conclusive evidence as against the Government of Canada that that person is owner of that bond accordingly.

(2) Where a person is registered in accordance with these regulations as owner of a bond as to principal and interest, the interest on that bond is payable by a cheque negotiable at any branch in Canada of a bank incorporated under The Bank Act.

(3) Where the names of two or more persons without the words "and survivor" are entered in the register as owners of a bond and one of the persons dies, his rights under the bond are not vested in any other such person or persons on his death by reason of survivorship.

(4) Notwithstanding that a person is registered as owner of a bond as to principal, the coupons attached to the bond are payable to bearer and when detached are transferable by delivery.

7. (1) Where a bond is issued or a person is registered as owner of a bond, such issue or registration shall be deemed to be valid notwithstanding that

(*a*) the issue or registration takes place in error in circumstances in which such issue or registration is not authorized by these regulations, or

(*b*) the issue or registration takes place pursuant to an instrument of transfer in which the signature of the transferor has been forged or pursuant to a forged instrument purporting to authorize a person to act on behalf of or in the place of a registered owner as provided for in section sixteen,

but nothing in this section shall be deemed to affect the rights or liabilities of any person or persons by reason of the forged instrument.

(2) Where in error a bond is issued or a person is registered as owner of a bond in circumstances in which such issue or registration is not authorized by these regulations, as mentioned in subsection one (*a*) and the bond has been delivered, the person receiving the bond or registered as owner shall

Consolidated Revenue and Audit Act—*continued*

not be entitled as against the Government of Canada to any payment under the bond but shall be liable to return the bond and all coupons attached to it at the time it was delivered to him and if he fails to do so he shall be liable to pay to the Bank the market value of the bond together with an amount equal to any amounts paid to him by way of interest on the bond.

(3) Where a person mentioned in subsection two fails to return matured coupons to the Bank he shall be deemed to have received payment of the redemption value of the coupons.

ENTRIES IN BOND

8. Where a person has been registered by the Bank as owner

(*a*) of a bond as to principal, the Bank shall enter his name in the bond as the person to whom the principal is payable, or

(*b*) of a bond as to principal and interest, the Bank shall enter his name in the bond as the person to whom the principal and interest are payable.

9. No entry in a bond of the name of any person as the person to whom the principal is payable or the principal and interest are payable made by a person other than the Bank or anyone acting on behalf of the Bank is effective to confer any right under or interest in the bond.

10. No alteration or erasure of the name of any person entered by or on behalf of the Bank in a bond as the person to whom the principal or principal and interest are payable is effective to confer any right under the bond on any other person or to deprive the person whose name was entered by or on behalf of the Bank of any rights that he may have under the bond.

11. Where a person applies to be registered as owner of a bond and the bond is delivered to him without his name being entered in it by the Bank the bond shall be deemed to be validly issued and unless he returns the bond to the Bank to have his name so entered, he shall be deemed to have accepted the bond in satisfaction of his rights as registered owner and the entry, if any, in the register shall be cancelled by the Bank.

DISCHARGE FROM REGISTRATION

12. Where a bond is to be discharged from registration

(*a*) if the bond is a coupon bond and is to be made payable to bearer the Bank shall cancel the entry in the register in respect of the bond and shall make an entry in the bond to show that it is payable to bearer, or

(*b*) if the bond is to be exchanged for another bond the Bank shall cancel the entry in the register in respect of that bond and shall retain the bond.

TRANSFER OF BONDS BY REGISTERED OWNERS

13. (1) Except as otherwise provided by the terms of the bond a bond of which a person is registered as owner may, on compliance with sections fourteen to nineteen, be transferred on presentation of the bond and of an instrument of transfer in accordance with these regulations.

(2) Where subsection one has been complied with the registered owner and the transferee, if any, named in the instrument of transfer therein mentioned are entitled to have the Bank give effect to the instrument of transfer in accordance with its terms.

Consolidated Revenue and Audit Act—*continued*

(3) Except as provided in subsection two the execution of an instrument of transfer of a bond does not transfer or confer any right under the bond against the Government of Canada or the Bank until the Bank has given effect to the instrument by making the appropriate entry in the register.

FORM AND EXECUTION OF INSTRUMENTS OF TRANSFER

14. (1) An instrument of transfer of the ownership of a bond shall be in form A or in a form to like effect.

(2) An instrument of transfer may be executed

(*a*) by being signed by the registered owner;

(*b*) where the registered owner is a corporation, by being signed by its duly authorized officer or officers and by affixing the seal of the corporation, if any, where required;

(*c*) by being signed by a person authorized by the registered owner under a Power of Attorney or partnership agreement to execute it;

(*d*) where an unincorporated association not being a partnership is registered as owner of a bond, by being signed by the duly authorized officer or officers of the association; or

(*e*) by being signed by a person authorized by law to execute it on behalf of the registered owner.

(3) For the purposes of these regulations a person authorized by law to execute an instrument of transfer on behalf of a registered owner means any person appointed by a competent court or by statute to act on behalf of or in the place of the registered owner and includes a trustee in bankruptcy.

GUARANTEE OF SIGNATURE

15. (1) The Bank is not required to give effect to an instrument of transfer unless the signature on the instrument of transfer is guaranteed by

(*a*) a bank incorporated under The Bank Act or the Quebec Savings Banks Act, or

(*b*) a financial institution approved by the Bank of Canada under this section.

(2) The Bank may approve a financial institution for the purposes of this section and may impose terms or conditions in its approval or limit the amount of the bonds to be transferred in any one transaction with respect to which the guarantee of the institution will be accepted by it for the purposes of this section or may revoke or vary an approval given under this section.

EVIDENCE OR GUARANTEE OF AUTHORITY TO EXECUTE INSTRUMENT

16. (1) Except as provided in subsection two where an instrument of transfer of a bond purports to have been signed by a person acting as an officer of a corporation registered as owner of the bond or by a person acting on behalf of the registered owner the Bank is not required to give effect to it unless the resolution, Power of Attorney, partnership agreement or other document authorizing or evidencing the authority of the person so to act or a notarial or other authenticated copy of it acceptable to the Bank has been deposited with the Bank.

Consolidated Revenue and Audit Act—*continued*

(2) The Bank may give effect to an instrument of transfer signed by a person mentioned in subsection one if a bank incorporated by The Bank Act or the Quebec Savings Banks Act in addition to guaranteeing his signature has also guaranteed his authority to execute the instrument of transfer of the bond for or on behalf of the registered owner, the guarantees being in the following form,—

"Signature and authority to sign guaranteed" or "Transaction guaranteed".

(3) Where a resolution, Power of Attorney, partnership agreement or other document or a copy thereof has been deposited with the Bank for the purposes of this section the Bank may give full force and effect to it until written notice is received by the Bank that it has been revoked or the authority thereby conferred or evidenced has been terminated.

No Guarantee of Signature Required in Certain Cases

17. The Bank may give effect to an instrument of transfer although no guarantee of the signature of the person signing the instrument of transfer has been given under section fifteen, if

(*a*) he is known to an executive officer of the Bank of Canada in Ottawa and his signature is vouched for by such officer;

(*b*) he signs on behalf of an insurance company and his signature is vouched for by an officer of the Department of Insurance acceptable to the Bank of Canada;

(*c*) he is a member of His Majesty's naval, military or air forces and his signature is witnessed by the commanding officer of his unit or the officer under whose direct command he is serving;

(*d*) he is personally known to the Agent at an Agency of the Bank of Canada and his signature is witnessed and vouched for by the Agent, or

(*e*) he is an officer of a trust company authorized to guarantee signatures under section fifteen and is an officer of the company authorized to execute such guarantees and instruments of transfer on behalf of the company.

Authentication of Signature Where Instrument of Transfer Executed Outside Canada

18. Where an instrument of transfer has been executed outside Canada, in the United Kingdom or in a country of the British Commonwealth of Nations or in a British colony or possession and where no guarantee of the signature of the person signing it in accordance with section fifteen can be obtained and the signature is not vouched for or witnessed in accordance with paragraphs (*a*), (*b*) or (*c*) of section seventeen, the Bank may give effect to the instrument if

(*a*) the signature of the person signing it is guaranteed by an incorporated bank; or

(*b*) the signature is certified in the manner provided in section nineteen.

19. Where an instrument of transfer is executed outside Canada in a place other than a place mentioned in section eighteen and where no guarantee of the signature on the instrument of transfer can be obtained in

Consolidated Revenue and Audit Act—*continued*

accordance with section fifteen and the signature is not vouched for or witnessed in accordance with paragraphs (*a*), (*b*) or (*c*) of section seventeen, the Bank may give effect to the instrument of transfer if the signature of the person signing it is certified to have been affixed in the presence of

(*a*) an officer of the Canadian Diplomatic, consular or representative or Trade Commissioner Services while exercising his functions as such;

(*b*) an officer of His Majesty's Diplomatic or consular services while exercising his functions as such; or

(*c*) a Judge of a Court of Record;

and the instrument bears the signature and official seal of the person who certifies the signature.

TRANSMISSION OF REGISTERED BONDS

20. (1) Subject to section twenty-two, where the registered owner of a bond has died, whether or not the bond is transferable by its terms, the Bank shall, upon receipt of the appropriate documents mentioned in subsection two transmit the bond to the person disclosed by the documents to be entitled to it by reason of the death of the registered owner.

(2) The documents referred to in subsection one are

(*a*) an authenticated or notarial copy of the probate of the will of the deceased owner, letters of administration of his estate, letters of verification of heirship, or, in applicable cases, an act of curatorship or tutorship granted by a court or authority in Canada having power to grant the same;

(*b*) proof of death together with an authentic copy of the will of the deceased owner, if the transmission is governed by the laws of the Province of Quebec, and the will of the deceased owner was made in notarial form according to such laws; or

(*c*) where the transmission is governed by the laws of a country other than Canada, an authenticated or notarial copy of the probate of the will, letters of administration of his estate or other documents of like import, satisfactory to the Bank, granted by the court or authority of that country having the requisite power in such matters.

21. Subject to section twenty-two, where the registered owner of bonds has died, and where it appears to the Bank that the aggregate of the face value of all bonds of which he was registered as owner at the time of his death, was not more than Twenty-five Hundred Dollars the Bank may, notwithstanding that it has not been furnished with the appropriate documents mentioned in subsection two of section twenty and whether or not the bonds are transferable by their terms, transmit the bonds to the person that the Bank is satisfied is entitled thereto by reason of transmission on the death of the owner, if

(*a*) the Bank is satisfied that it is not intended to apply for a grant of letters probate of the will or letters of administration of the estate of the deceased, and

(*b*) application is made to the Bank for the transmission in a form prescribed by the Bank for the transmission of bonds or War Savings Certificates where no letters probate or letters of administration have been granted.

Consolidated Revenue and Audit Act—*continued*

22. (1) The Bank may, before giving effect to a claim to the transmission of a bond, require the claimant or his authorized representative having knowledge of the facts, to furnish a statutory declaration setting out the facts relating to the transmission and such further information in respect thereof as it may require.

(2) Where bonds are issued on terms that the aggregate face value thereof that may be held by any person is limited, and where the registered owner has died and the transmission of the bonds to the person entitled thereto by reason of transmission on the death of the owner would result in his holding bonds of that issue of an aggregate face value in excess of the amount so limited, the Bank shall redeem them.

TRANSFER PURSUANT TO JUDGMENT

23. Where a bond of which a person is registered as owner has been seized pursuant to a writ of execution or other like process issued out of a court or where a court orders the sale thereof or orders that the bond be vested in a person other than the registered owner,

(*a*) if the name of the person who is to be registered as owner is set out in an order of the court, the Bank may, upon presentation of the bond and of an authenticated copy of the order, register that person as the owner of the bond and enter his name in the bond accordingly, or

(*b*) the court shall, by order, name a person who is authorized to transfer the bond in the place of the registered owner, in which case the Bank may, if an authenticated copy of the order of the court has been deposited with it, give effect to an instrument of transfer of the bond executed by the person so named.

MARRIED WOMEN

24. The Bank may register a married woman as owner of a bond or may transfer or redeem a bond upon the authority of the signature of a married woman, without the consent of her husband, whether such married woman is acting as a principal or in a representative capacity.

MINORS

25. (1) A bond may be registered in the name of a person whether or not he is an infant or minor or is qualified by law to enter into ordinary contracts.

(2) Where a bond is registered in the name of a person under twenty-one years of age, a transfer thereof executed by him shall have the same effect, for the purposes of these regulations, as if he were of the full age of twenty-one years and the Bank may make payments under the bond to him and accept acquittances thereof from him as if he were of the full age of twenty-one years.

(3) Where the Bank is satisfied that the registered owner of a bond is unable by reason of immaturity to write his name,

(*a*) a transfer of the bond may be executed on behalf of the registered owner by the parent or guardian, and

(*b*) the Bank may make payments under the bond to the parent or guardian and may accept acquittances in respect thereof executed by such parent or guardian on behalf of the registered owner and

Consolidated Revenue and Audit Act—*continued*

for the purposes of this subsection, evidence of age in the form of a certificate of birth or other evidence satisfactory to the Bank may be accepted as proof of age, but where in addition to the guarantee of the signature of the parent or guardian, his authority to sign is guaranteed as set forth in subsection two of section sixteen, no such evidence shall be required.

(4) In this section "parent or guardian" when used with reference to a registered owner of a bond means,

(*a*) where the registered owner is resident in the Province of Quebec, the tutor, if any, of the registered owner, and where there is no tutor, the person who has the right to custody and control of the registered owner; and

(*b*) where the registered owner is resident elsewhere than in the Province of Quebec,

(i) if the father and mother are living together and have actual custody and control of the registered owner, the father;

(ii) if one parent is dead, the surviving parent, if such parent has actual custody and control of the registered owner;

(iii) if the registered owner's father and mother are living apart, the parent who has actual custody and control of the registered owner; or

(iv) the guardian or other person who has actual custody and control of the registered owner.

PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS

26. (1) The partners in a partnership or the members for the time being of an unincorporated association not being a partnership may be registered as owners of a bond under the firm name or the name of the association.

(2) Where members for the time being of an unincorporated association have been registered as owners of a bond as provided in subsection one, instruments of transfer, acquittances or other documents furnished under these regulations by the duly authorized officers for the time being of the association shall, for the purposes of these regulations, be binding on the members of the association.

CLOSING OF BOOKS

27. Where bonds are registered as to principal and interest, nothing in these regulations shall be deemed to require the Bank to make exchanges or registrations or to give effect to transfers in connection therewith during any period which it considers reasonable immediately preceding the date of any interest payment on such bonds.

DAMAGED OR MISSING BONDS AND UNMATURED ATTACHED COUPONS

Damaged, Defaced or Mutilated

28. (1) Where a bond or an unmatured coupon belonging to a bond has been damaged, defaced or mutilated and all parts of the bond and all unmatured coupons belonging to it, if any, that in the opinion of the Bank are material have been surrendered to the Bank, the Bank may forthwith issue a new bond and appropriate coupons in place of them.

(2) If all parts of a bond and unmatured coupons belonging to it, if any, mentioned in subsection one are not surrendered to the Bank, the

Consolidated Revenue and Audit Act—*continued*

Bank may, if in its opinion the missing parts are material, require an undertaking to indemnify in accordance with section thirty-seven to be given to the Bank before a new bond is issued or require that the bond and coupons be treated as destroyed, lost, or stolen, as the case may be.

Destroyed, Lost or Stolen

29. (1) Where it appears to the Bank that a bond and unmatured coupons attached to it, if any, have been destroyed, lost or stolen, the Bank may, in its discretion, issue a new bond and appropriate coupons in place of them if a bond of indemnity in accordance with section thirty-eight is given to the Bank and if the following period has elapsed after notice was received by the Bank of the alleged destruction, loss or theft:

(*a*) six months in the case of any destroyed bond;

(*b*) six months in the case of a lost or stolen bond of which a person was registered as owner as to principal and interest and for which no instrument of transfer to bearer had been executed;

(*c*) one year in the case of a lost or stolen bond the owner of which was registered as owner as to principal and for which no instrument of transfer to bearer had been executed; or

(*d*) two years in any other case.

(2) Notwithstanding subsection one, where it appears to the Bank that a non-interest bearing certificate has been destroyed, lost or stolen the Bank may, in its discretion, forthwith pay the redemption value of the certificate to the registered owner if he gives to the Bank an undertaking to indemnify in accordance with section thirty-seven.

Cancelled Bonds

30. Where it appears to the Bank of Canada that a bond and unmatured coupons attached to it, if any, cancelled by a bank incorporated under The Bank Act or the Quebec Savings Banks Act have been destroyed, lost or stolen in the course of transit from a branch of such bank to its main office or to any Agency of the Bank of Canada if such bank certifies that the bond and each coupon attached thereto was, before shipment, effectively cancelled for purposes and in accordance with arrangements expressly approved by the Bank of Canada and gives to the Bank of Canada an undertaking to indemnify in accordance with section thirty-seven duly executed on its behalf at its head office and three months have elapsed after the day on which the Bank of Canada received notice of the destruction, loss or theft, the Bank of Canada may, in its discretion, issue a new bond and appropriate coupons in place of them.

31. Where a bond and unmatured coupons attached to it, if any, that have been cancelled by the Bank are destroyed, lost or stolen in the course of transit between offices of the Bank, the Bank may issue a new bond and appropriate coupons in place of them upon executing a bond of indemnity in favour of the Government of Canada in an amount equal to the principal amount of the missing bond and value of the coupons, if any.

DAMAGED OR MISSING MATURED OR DETACHED COUPONS

Damaged, Defaced or Mutilated

32. (1) Where all parts of a damaged, defaced or mutilated matured coupon that in the opinion of the Bank are material are surrendered to the Bank, the Bank may forthwith pay the redemption value of the coupon.

Consolidated Revenue and Audit Act—*continued*

(2) If a part of a coupon mentioned in subsection one is not surrendered to the Bank, the Bank may, if in its opinion the part is material, require an undertaking to indemnify in accordance with section thirty-seven to be given to the Bank before redeeming the coupon or require that the coupon be treated as if it had been destroyed, lost or stolen, as the case may be.

Destroyed, Lost or Stolen

33. (1) Where it appears to the Bank that a detached coupon has been destroyed, lost or stolen, the Bank may in its discretion pay the redemption value of the coupon if a bond of indemnity in accordance with section thirty-eight is given to the Bank and if the following period has elapsed after notice was received by the Bank of the alleged destruction, loss or theft and the date of maturity of the coupon:

(*a*) six months in the case of a destroyed coupon; or

(*b*) two years in the case of a lost or stolen coupon.

(2) Notwithstanding subsection one, where a bank incorporated under The Bank Act or the Quebec Savings Banks Act seeks payment of the value of a matured coupon that has been destroyed, lost or stolen after encashment by it, the Bank of Canada may in its discretion pay the redemption value of the coupon if the bank concerned gives to the Bank of Canada an undertaking to indemnify in accordance with section thirty-seven and three months have elapsed after the Bank of Canada received notice of the destruction, loss or theft.

Destroyed, Lost or Stolen Cheques

34. When it appears to the Bank that a cheque issued in payment of interest on or principal of a bond or otherwise in connection with a bond has been destroyed, lost or stolen,

(*a*) after it has been mailed but before the payee received it, the Bank may issue a duplicate cheque in place of it if the payee gives to the Bank an undertaking to indemnify in accordance with section thirty-seven, or

(*b*) after the payee received it, the Bank may issue a duplicate cheque in place of it if the payee or a bank or other institution which has negotiated it gives to the Bank an undertaking to indemnify in accordance with section thirty-seven, but before issuing a duplicate cheque the Bank may require a statutory declaration setting out the facts relating to the destruction, loss or theft and may instead of an undertaking to indemnify, require the claimant to furnish it with a bond of indemnity in a form and by such sureties satisfactory to it.

Interim Certificates

35. Where it appears to the Bank that an interim certificate has been damaged, defaced, mutilated, lost, destroyed or stolen, the Bank may issue a bond on like conditions to those in which, if the certificate were a coupon bond payable to bearer, the Bank might under these Regulations issue a new bond.

Consolidated Revenue and Audit Act—*continued*

New Bonds

36. A new bond issued in place of a damaged, defaced, mutilated, lost, destroyed or stolen bond or interim certificate as provided for in these Regulations shall be of the same issue and aggregate amount and of like tenor as the one that it is issued to replace.

Form of Undertaking to Indemnify

37. An undertaking to indemnify given to the Bank under these Regulations shall be executed by the owner or payee of the bond, coupon, cheque or certificate that has been damaged, defaced, mutilated, lost, destroyed or stolen, or by any other person acceptable to the Bank and shall undertake to indemnify the Bank and the Government of Canada for any loss resulting from the issue of any new bond or cheque or the making of any payment in respect thereof and shall be in a form satisfactory to the Bank.

Form of Bond of Indemnity

38. (1) Except as provided in subsection two, a bond of indemnity given to the Bank under these Regulations shall be executed by a guarantee company approved by the Bank or by a bank incorporated under The Bank Act or the Quebec Savings Banks Act, and shall undertake to indemnify the Bank and the Government of Canada for any loss resulting from the issue of any new bond or cheque or the making of any payment in respect of a destroyed, lost or stolen bond, coupon, cheque or interim certificate in an amount deemed sufficient by the Bank and shall be in a form satisfactory to the Bank.

(2) The Bank may with respect to the issue of a new bond pursuant to the alleged destruction, loss or theft of a bond of which a person was registered as owner as to principal and interest and for which no instrument of transfer to bearer has been executed, accept a bond of indemnity executed by two sureties satisfactory to the Bank, but not exceeding twice the value thereof, in place of a bond of indemnity executed by a surety mentioned in subsection one.

Statutory Declaration

39. The Bank may before issuing a bond or cheque or making a payment in accordance with any of the regulations twenty-eight to thirty-five, require the applicant to furnish to it a statutory declaration setting out the facts relating to the alleged damage, defacement, mutilation, destruction, loss or theft by reason of which it is to be issued or made.

Canada Savings Bonds

40. Where a Redemption Agent for Canada Savings Bonds makes an erroneous payment and the Bank is satisfied that the error did not result from fault or negligence on the part of the Redemption Agent, the Treasury Board may, upon the recommendation of the Bank, relieve the Redemption Agent of liability to the Government of Canada and reimburse the Bank, but otherwise, the Redemption Agent shall reimburse the Bank in the amount of the loss sustained.

Consolidated Revenue and Audit Act—*continued*

PART II

War Savings Certificates

41. In this Part, unless the context otherwise requires

(*a*) "certificate" means War Savings Certificates; and

(*b*) "Registrar" means the Bank of Canada.

42. This Part applies in respect of War Savings Certificates and Part I of these Regulations applies in respect of War Savings Certificates except in so far as inconsistent with this Part.

43. (1) No person may hold, or have an interest in, certificates dated in the calendar year nineteen hundred and forty in a total maturity value exceeding five hundred dollars and no person may hold or have an interest in certificates dated in any calendar year subsequent to nineteen hundred and forty in a total maturity value exceeding six hundred dollars.

(2) Where the limit imposed by subsection one has been exceeded by a registered owner, in respect of certificates dated in any year, certificates to the amount of the excess registered in his name and dated in that calendar year may be redeemed immediately by the Registrar, but the registered owner may be paid on a redemption under this section only the redemption value at the time the excess arose.

44. (1) Except as provided in section forty-three, certificates are not callable for redemption before maturity but the registered owner, subject to the right of the Minister of Finance to require ninety days notice of the application for redemption, may have a certificate redeemed in accordance with the table of redemption values set out on the certificate.

(2) At the option of the holder, a certificate having a maturity value other than five dollars may be redeemed under subsection one of this section

(*a*) by payment of an amount that bears the same relation to its redemption value that five dollars or a multiple of five dollars (but less than its maturity value) bears to its maturity value, and

(*b*) by issuing a new certificate with a maturity value equal to the difference between the maturity value of the original certificate and the maturity value represented by the amount paid under paragraph (*a*) but otherwise bearing the same date and in the same form as the original certificate.

45. Whenever it appears to the Registrar that a certificate has been destroyed, lost or stolen (evidence of which may be required by the Registrar in the form of a statutory declaration) a duplicate of the missing certificate or, if the certificate has matured, a cheque for an amount equal to the amount payable upon maturity of that certificate may be issued upon completion by the registered owner or by a person acting on his behalf who is acceptable to the Registrar, of an undertaking in a form approved by the Registrar, but unless the Registrar in its discretion otherwise decides, no certificate or cheque shall be issued pursuant to this regulation until at least three months have elapsed from the date upon which the Registrar received notice of the alleged destruction, loss or theft of the certificate.

Consolidated Revenue and Audit Act—*continued*

46. A certificate may be re-issued in a different form of registration
(*a*) to correct an error, established to the satisfaction of the Registrar, in the original issue; or
(*b*) to show a change in the name of the registered owner, whether by marriage or by other legal means.

47. If the maturity value of all certificates that belonged to a deceased owner is less than fifty dollars, production of the documents referred to in section twenty may, at the discretion of the Registrar, be dispensed with and the Registrar may transmit or redeem the certificates to or in favour of the persons shown to be entitled by a letter from a bank, trust company or other institution acceptable to the Registrar, certifying that letters probate, letters of administration or other documents of like import were in fact granted or executed and giving such further particulars in respect thereof as the Registrar may require.

48. If the whereabouts of the registered owner of a certificate that has come into the hands of the Registrar cannot be ascertained, the Registrar, subject to the approval of the Minister of Finance and notwithstanding the other provisions of these Regulations, may
(*a*) hold the certificate pending a claim from the registered owner; or
(*b*) without prejudice to the rights of the registered owner, treat the certificate as though it had been redeemed, and thereupon a corresponding liability to cover any future claims in respect thereof shall be set up in the books of the Department of Finance.

49. A certificate issued under these regulations shall be signed by W. C. Clark, Deputy Minister of Finance, and countersigned by D. G. Marble, L. P. J. Roy or M. G. Anderson, officers of the Bank of Canada.

50. The payment out of the Consolidated Revenue Fund of such expenses as are incurred in connection with the issue and redemption of War Savings Certificates and War Savings Stamps is hereby authorized.

51. The Post Office Department is hereby authorized to redeem War Savings Stamps at their face value upon presentation at any Post Office in Canada.

Form A

GOVERNMENT OF CANADA

Bond No. ..... Principal Sum $..... Maturing .....
Know all men by these presents that I/we .....
(type or print name)
for value received, have sold, assigned and transferred and by these presents do sell, assign and transfer unto

.....
(Name)

.....
(Exact Post Office Address)

Consolidated Revenue and Audit Act—*concluded*

the bond(s) described above and the Bank of Canada is authorized to transfer and set over on the books of registration the bond(s) described to the said transferee.

Dated at ..... this ..... day of ..... 19....

Witness to signature of transferor

*..... .....

Signature of Transferor is hereby guaranteed — Signature of Transferor

*Signature of the registered owner must be guaranteed by a Canadian Chartered Bank or other financial institution acceptable to the Bank of Canada.

CANADIAN CONSULAR FEES, TARIFF OF

See DEPARTMENT OF EXTERNAL AFFAIRS ACT.

CONTINGENCIES ACT. (R.S.C., 1927, c. 31)

No statutory orders or regulations have been made under this statute.

CONTINUATION OF EDUCATIONAL SERVICES

See VETERANS (Department of Veterans Affairs Act).

CONTINUATION OF TRANSITIONAL MEASURES ACT. (1947, c. 16)

See also TRADING WITH THE ENEMY (TRANSITIONAL POWERS) ACT.

Under this Act, as amended by chapter 5 of the Statutes of 1947-48 and by chapter 3 of the Statutes of 1949, certain orders and regulations made under the *War Measures Act* and *The National Emergency Transitional Powers Act,* 1945, specified in the Schedule to the Act, are continued in force while the Act is in force unless revoked under section four. All but twelve of the orders and regulations listed in the Schedule to the Act have now been revoked. Those orders and regulations that were still in force and effect by virtue of this Act on December 31st, 1949, are published in Appendix I to this Consolidation.

CONVENTIONS AND AGREEMENTS.

Many statutes have from time to time been enacted to ratify conventions and agreements between Canada and other countries relating to trade and commerce, finance, income tax, succession duty, shipping, etc. No statutory orders or regulations of general effect have been made under any of these statutes. See, however, BRETTON WOODS AGREEMENTS ACT, 1945; CARRIAGE BY AIR ACT, 1939; CUSTOMS TARIFF; FISHERIES (Convention relating to the protection, preservation and extension of the Sockeye Salmon fisheries in the Fraser River System).

COPYRIGHT ACT. (R.S.C., 1927, c. 32)

1. The Copyright Rules.
2. Fees, charges and royalties.

1. The Copyright Rules

P.C. 3932

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of September, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Secretary of State and under the authority of The Copyright Act, Revised Statutes of Canada, 1927, Chapter 32, is pleased to order as follows:

1. The Copyright Rules and Forms, 1927, established by Order in Council P.C. 893 of 11th May, 1927, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Copyright Rules" are hereby made and established in substitution for the Rules and Forms hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

THE COPYRIGHT RULES

1. These Rules, Regulations and Forms may be cited as The Copyright Rules.

I. COPYRIGHT ROYALTY SYSTEM (General)

NOTICE

2. The notice required by Section 7 of the Copyright Act shall contain the following particulars:—

(*a*) The name and address of the person intending to reproduce the work;
(*b*) the name of the work which it is intended to reproduce and (if necessary) a description sufficient to identify it;
(*c*) the manner in which it is intended to reproduce the work (e.g., whether by printing, lithography, photography, etc.);
(*d*) the price or prices at which it is intended to publish the work;
(*e*) the earliest date at which any of the copies will be delivered to a purchaser.

3. The notice shall, not less than one month before any copies of the work are delivered to a purchaser, be sent by registered post or published by advertisement as follows:—

(*a*) If the name and address of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to such owner or agent at such address;

Copyright Act—*continued*

(*b*) if such name and address are not known and cannot with reasonable diligence be ascertained the notice shall be advertised in *The Canada Gazette;* the advertisement in *The Canada Gazette* shall give the particulars required by paragraphs (*a*) and (*b*) of Regulation 2, and shall also state an address from which a copy of the notice described in Regulation 2 may be obtained.

PAYMENT OF ROYALTIES

4. (*a*) Unless otherwise agreed royalties shall be payable by means of adhesive labels purchased from the owner of the copyright and affixed to the copies of the work.

After the person reproducing the work has given the prescribed notice of his intention to reproduce the work the owner of the copyright shall by writing sent by registered post intimate to him some reasonably convenient place within the Dominion of Canada from which adhesive labels can be obtained and on demand in writing and tender of the price shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

Subject to these Regulations, no copy of the work shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto.

(*b*) In cases when royalties are payable by means of adhesive labels if at any time labels of the required denomination are not available because—

(i) After the expiration of 30 days from the date of the prescribed notice the owner of the copyright has not duly sent to the person reproducing the work an intimation of some reasonably convenient place within the Dominion of Canada from which such labels can be obtained; or

(ii) the owner of the copyright refuses or neglects to supply such labels within 30 days after demand duly made,

copies of the work may be delivered to purchasers without having labels affixed thereto; and the amount of royalties shall be a debt due from the person reproducing the work to the owner of the copyright, and the person reproducing the work shall keep an account of all such copies sold by him.

(*c*) For the purposes of this Regulation "the date of the prescribed notice" means—

(i) in cases when the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;

(ii) in cases when the notice is required to be advertised in *The Canada Gazette,* the date of such advertisement.

(*d*) Where royalties are by agreement payable in any other mode than by means of adhesive labels the time and frequency of the payment shall be such as are specified in the agreement.

(*e*) The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle and the side of the label not to be greater than $\frac{3}{4}$ inch in length. The label shall not bear the effigy of the Sovereign or any other person, nor any word, mark or design such as to suggest that the label is issued by or under the authority of the Government for the purpose of denoting any duty payable to the Government.

Copyright Act—*continued*

II. Copyright Royalty System (Mechanical Instruments)

Notice

5. The notice required by Section 19 (*b*) of the Copyright Act shall contain the following particulars:—

(*a*) The name and address of the person intending to make the contrivances;

(*b*) the name of the work which it is intended to reproduce and of the author (if known); and (if necessary) a description sufficient to identify the work;

(*c*) the class of contrivance on which it is intended to reproduce the work (e.g., whether discs, cylinders or music rolls);

(*d*) the earliest date at which any of the contrivances will be delivered to a purchaser;

(*e*) whether any other work is to be reproduced on the same playing surface of a disc or on the same perforated roll or other contrivance with the work specified in accordance with paragraph (*b*).

6. The notice shall, not less than 10 days before any contrivances on which the work is reproduced are delivered to a purchaser, be sent by registered post or by telegram prepaid or published by advertisement as follows:—

(*a*) If the name and an address of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to such owner or agent at such address;

(*b*) if such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in *The Canada Gazette;* the advertisement in *The Canada Gazette* shall give the particulars required by paragraphs (*a*) and (*b*) of Regulation 5, and shall also state an address from which a copy of the notice described in Regulation 5 may be obtained. Notice of intention to make records, perforated rolls or other contrivances for the reproduction of any number of works may be included in the same advertisement.

PAYMENT OF ROYALTIES

7. (*a*) Unless some other agreement be made, hereinafter referred to as a special agreement, royalties shall be payable in the following manner:—

After the person making the contrivances has given the prescribed notice of his intention to make or to sell the contrivances, the owner of the copyright shall by writing sent by registered post, intimate to him in Form K, or to the like effect some convenient address at which payments of royalties may be made and his willingness to accept payment of such royalties in quarterly payments on the last days of January, April, July, and October in each year, each such payment to include royalties on all contrivances sold during the preceding three calendar months.

(*b*) If no special agreement has been made and, after the expiration of ten days from the date of the prescribed notice of the intention of the person making the contrivances to make or sell such contrivances the owner of the copyright has not notified the person making the contrivances of an address where the royalties may

Copyright Act—*continued*

be paid and of his willingness to accept payment of such royalties in quarterly instalments in the manner prescribed in the preceding paragraph, the person making the contrivances may effect payment by depositing in any chartered bank of Canada to the credit of the Receiver General of Canada, royalties in respect of all contrivances sold by him.

(*c*) Where royalties are payable in quarterly payments, the person making the contrivances shall at the time of making each payment submit to the owner of the copyright a statement setting out the total number of contrivances manufactured and sold during the quarterly period in question, and the total amount of royalties due to the copyright owner therefor. Each such statement shall be certified as correct by a chartered accountant carrying on business as such in the Dominion of Canada.

(*d*) Every person proposing to manufacture contrivances under the provisions of Section 19 of the Copyright Act, and this Regulation shall file with the Commissioner of Patents a bond of a recognized guarantee company of Canada, approved by the Commissioner of Patents, in the penal sum of five thousand dollars payable to His Majesty for the benefit of the owners of copyright, to secure the payment of all royalties.

(*e*) For the purposes of this Regulation "the date of the prescribed notice" means—

(i) in cases where the notice is required to be sent by registered post or telegraph, the date when the notice would in ordinary course of post or telegraph be delivered;

(ii) in cases where the notice is required to be advertised in *The Canada Gazette,* the date of such advertisement.

(*f*) In cases where royalties are payable on contrivances made before the commencement of the Copyright Act, 1921, the person making such contrivances may give notice of his intention to sell them, containing *mutatis mutandis* the same particulars and given in the same manner as is prescribed by these Regulations in the case of the notice required by Section 19 (*b*) of the Copyright Act.

8. The inquiries referred to in Section 19 (4) of the Copyright Act, shall be directed to the owner of the copyright by name or (if his name is not known and cannot with reasonable diligence be ascertained), in general terms to "the owner of the copyright" of the work in respect of which the inquiries are made and shall contain—

(*a*) a statement of the name of the work in respect of which the inquiries are made and of the author (if known), and (if necessary) a description sufficient to identify it;

(*b*) a statement of the name, address and occupation of the person making the inquiries;

(*c*) an allegation that a contrivance has previously been made by means of which the work may be mechanically performed, with the trade name (if known) and a description of such contrivance;

(*d*) an inquiry whether the contrivance so described was made with the consent or acquiescence of the owner of the copyright.

Copyright Act—*continued*

9. The inquiries shall be sent by registered post or published by advertisement as follows:—

(*a*) If an address of the owner of the copyright is known or can with reasonable diligence be ascertained the inquiries shall be sent to such address; or

(*b*) if such address is not known and cannot with reasonable diligence be ascertained the inquiries shall be advertised in *The Canada Gazette*.

10. The prescribed time for reply to such inquiries shall be—

(*a*) in cases where the inquiries are required to be sent by registered post 14 days after the date when the inquiries would by ordinary course of post be delivered;

(*b*) in cases where the inquiries are required to be advertised in *The Canada Gazette* 14 days after the date of such advertisment.

III. Copyright Royalty System (Books)

APPLICATION FOR LICENCE

11. The application for licence under Section 14 of the Copyright Act, shall be made in accordance with Form A and accompanied by two copies for the use of the Commissioner of Patents, shall be sent by post or delivered to him.

12. Notice of the application for a licence containing a summary of the terms of the application shall be communicated by the Commissioner of Patents to the owner of the copyright,

(*a*) If the name and address of the owner of copyright or his agent for the receipt of notice are known or can with reasonable diligence be ascertained, the notice shall be sent by registered post, or, upon the request of the applicant, and at his expense, by telegraph or cable, to such owner or agent at such address.

(*b*) If such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in *The Canada Gazette*, at the expense of the applicant for the licence.

NOTICE OF APPLICATION FOR LICENCE

13. Notice of application for licence shall be in accordance with Form B.

14. (*a*) The delays within which the owner of the copyright shall, after communication of such notice, give an undertaking to procure, within two months after date of such communication, the printing in Canada of an edition of not less than one thousand copies of such book, shall be as follows:—

(i) if the copyright owner is resident within the Dominion of Canada or the United States of American, two weeks;

(ii) if resident in Europe, three weeks;

(iii) if resident elsewhere, six weeks.

(*b*) For the purposes of this Regulation communication of such notice means:—

(i) in cases when the notice is required to be sent by registered post the date when the notice would in ordinary course of post be delivered;

Copyright Act—*continued*

(ii) in cases when the notice is required to be advertised in *The Canada Gazette*, the date of publication of such advertisement;

(iii) in cases where the notice is sent by telegram or cable the date upon which such telegram or cable is delivered as certified by the sending telegraph or cable company.

FEES

15. The fee payable on application for a licence under Regulation 11 shall be $10.

16. The form of a licence issued under Section 14 of the Copyright Act, may be in accordance with Form C.

17. The form of undertaking and security provided for by subsection 5 of Section 14 of the Copyright Act, shall be in accordance with Form D or the Bond of a recognized guarantee company of Canada approved by the Commissioner of Patents.

WHEN A LICENCE IS GRANTED

18. When a licence is granted the licensee shall remit to the Commissioner of Patents by certified cheque payable at par in Ottawa four days before any copy of the book printed under licence is distributed, the balance, if any, due on payment of royalties, accompanied by a statutory declaration of the number of copies printed and the licensee shall follow the same procedure in the case of any succeeding editions. Each copy of each edition shall be marked first, second, third or fourth edition, as the case may be, and shall bear on the title page thereof the name and address of the printer of the book.

IV. Copyright Royalty System (Serials)

APPLICATION FOR LICENCE

19. The application for licence under Section 15 of the Copyright Act, shall be made in accordance with Form E.

20. The applicant for a licence shall, before making his application, send to the copyright owner by registered post or by telegram, prepaid, a draft contract in duplicate, in accordance with the form annexed to Form E, and if within a reasonable time after the date when the contract would in ordinary course of post or telegraph have been delivered, the copyright owner fails either to sign the said contract or to refuse to sign it, he shall be deemed to have refused, and the Commissioner may proceed accordingly.

21. The Commissioner of Patents shall have power (*a*) to determine what is a reasonable time within the meaning of Regulation 20, and (*b*) to fix the royalty where the parties have not agreed.

22. The applicant for a licence under Regulation 19 shall, with his application, deposit the amount of money therein set forth.

Copyright Act—*continued*

FEES

23. The fee payable upon application for a serial licence shall be $10.

24. Notice of application for licence under Regulation 19 may be in accordance with Form F.

25. A licence issued under the provisions of Section 15 of the Copyright Act may be in accordance with Form G.

V. GENERAL

26. Application for registration of Copyright in a published work shall be in accordance with Form H.

27. Application for registration of Copyright in an unpublished work shall be made in accordance with Form I.

28. There is no necessity for any personal appearance at the Copyright Office unless specially called for by the Commissioner of Patents, or by these Regulations, every transaction being carried on in writing.

29. In every case the applicant or depositor of any paper is responsible for the merits of his allegations and for the validity of the instruments furnished by him or his agents.

30. Correspondence shall be carried on with the applicant or his agent but with one person only, and will be conveyed through the Canadian mails free of charge.

31. All documents must be legibly and neatly written, printed or typewritten on foolscap paper.

32. An application for registration or licence shall be signed by the applicant or by an agent duly authorized. A partner may sign for a firm. A director or secretary or other principal officer of a company may sign for the company.

33. All communications shall be addressed to the Commissioner of Patents, Copyright Office, Ottawa.

34. All remittances must be made payable at par at Ottawa, to the order of the Receiver General of Canada.

Bank cheques must be certified.

Money sent by mail should be in registered letters, and is at the risk of the sender.

35. The Office will not advise applicants or others on matters concerning the interpretation of the Copyright Act or on any other question of law.

36. Slight deviations from the Forms prescribed by these Regulations, not affecting the substance or calculated to mislead, shall not invalidate them.

Copyright Act—*continued*

FORM A

APPLICATION FOR LICENCE UNDER SECTION 14 OF THE COPYRIGHT ACT

To the Commissioner of Patents,
The Copyright Office,
Ottawa.

(1) I, ... of the ..... of .....in the ..... of ..... hereby apply for a licence to print and publish in Canada an edition of ..... copies of the book entitled "....." by ..... of ..... and likewise to publish on the royalty terms herein specified during ..... years from the date of the licence such further editions as may be necessary to supply the demands of the Canadian market.

(2) The said book has been published and Copyright is subsisting therein.

(3) The name and address of the owner of the Copyright are as follows: .....

(4) The owner of the Copyright has failed and fails to print the said book or cause the same to be printed in Canada, to supply by means of copies so printed, the reasonable demand of the Canadian market for such book.

(5) The present retail selling price of the said book is ..... dollars per copy.

(6) The proposed retail selling price of the said book in Canada is ..... dollars per copy.

(7) I offer as royalty..... per cent of such proposed retail selling price on the edition stated herein and a like royalty on any further copies printed under any licence which may be granted on this application.

(8) I herewith forward the sum of..... dollars being ten per cent of the proposed retail selling price of one thousand copies of the said book, or one hundred dollars, whichever sum is greater, and also the fee of ten dollars, as provided by the regulations.

Signed at ..... this ..... day of ..... 19....

Signature.....

Copyright Act—*continued*

FORM B

NOTICE TO COPYRIGHT OWNER

Take notice that ..... of ....., has made application under Section 13 of the Copyright Act, for a licence to print and publish in Canada an edition of ..... copies of the book entitled "....." by ..... of ..... of the Copyright in which you are alleged to be the owner and such further editions as may be necessary to supply the reasonable demand of the Canadian market for such book for a period of..... years. The proposed retail selling price of the said book in Canada is .....dollars per copy and the royalty offered is.....per cent of such proposed retail selling price. Unless within..... weeks after the date of the communication of this notice you give an undertaking, in the terms of the prescribed security, to procure, within two months after the date of such communication, the printing in Canada of an edition of not less than one thousand copies of the said book, I shall grant to the applicant a licence to print and publish such book upon such terms as may be determined by me, not inconsistent with the provisions of the said Act. If you wish to be heard upon the determination of the said terms, it will be necessary for you to apply personally or by your agent, duly authorized in writing, on the ..... day of ..... next, at the Copyright Office, Ottawa.

Dated the ..... day of ..... 19....

.....
Commissioner of Patents.

To .....

the owner of the Copyright in the book entitled

" ..... "

Copyright Act—*continued*

FORM C

LICENCE UNDER SECTION 14 OF THE COPYRIGHT ACT

The Commissioner of Patents, under the authority of the Copyright Act and the Copyright Rules hereby grants to .....of the ..... of ..... the sole right to print and publish in Canada an edition of ..... copies of the book entitled "..... ....." by ..... of ..... in which Copyright subsists, and the owner of such Copyright is ..... of .....

The retail selling price of the said book under this licence is $..... per copy.

The licensee shall pay a royalty on the retail selling price of every copy of such book printed under this licence at the rate of ..... per cent.

Dated the ..... day of .....19....

.....
Commissioner of Patents.

ACCEPTANCE OF LICENCE

I, ... of ..... the licensee above mentioned, hereby accept this licence and undertake to fulfil, in connection therewith, all the terms prescribed by the Copyright Act as amended and Rules and Forms enacted thereunder.

Dated the ..... day of .....19....

.....
Licensee.

Copyright Act—*continued*

FORM D

UNDERTAKING AND SECURITY UNDER SECTION 14 (5) OF THE COPYRIGHT ACT

KNOW ALL MEN BY THESE PRESENTS that we, ...

..... of .....

..... of ....., and

..... of .....

are held and firmly bound unto His Majesty in the penal sum of ..... dollars of lawful money of Canada, to be paid to His Majesty, His Heirs and Successors for which payment well and truly to be made we jointly and severally bind ourselves, our and each of our heirs, executors and administrators forever by these presents.

Sealed with our seals and dated this ..... day of.....

A.D. 19.....

Whereas the above bounden ..... is the owner of Copyright in the book entitled "....." and has failed to print the said book, or cause the same to be printed in Canada, now the condition of this obligation is such that if the said ....., his executors or administrators, shall and do within two months after the .....day of ..... procure the printing in Canada of an edition of not less than one thousand copies of the said book, then this obligation shall be void, but otherwise shall remain in full force and virtue.

Signed, sealed and delivered in the presence of.....

DECLARATION OF JUSTIFICATION BY EACH SURETY

Province of .....

County of .....

To wit: .....

I, ... of ..... one of the sureties in the annexed bond named, do solemnly declare that:—

1. I am seized and possessed to my own use of real estate in the Province of ..... in Canada of the actual value of $..... over and above all charges upon and incumbrances affecting the same.

2. My post office address is as follows—
and, I make this solemn declaration, etc., etc.

Declared before me at the .....
of ..... the ..... day of .....
19....

.....

.....

Copyright Act—*continued*

Form E

APPLICATION FOR LICENCE UNDER SECTION 15 OF THE COPYRIGHT ACT

To the Commissioner of Patents,
The Copyright Office,
Ottawa.

I, ... of the .....
of ..... in the ..... being the publisher of the periodical entitled "....." published at the said ..... of .....hereby apply for a licence to publish once in serial form, in such periodical, the book entitled "....." by .....
of ..... the publication of which was lawfully begun as a serial in the ..... of .....
in the ..... of .....

(2) Copyright is subsisting in the said book in the Dominion of Canada, and ..... of ..... is the owner of such Copyright.

(3) The said ..... has refused to grant a licence to me to publish such book in serial form in Canada.

(4) On the ..... day of ..... I sent by registered post to the said owner of the Copyright at his said address, a contract in duplicate, a copy of which is hereto annexed marked "A".

Signed at ..... this .....
day of ..... A.D. 19...

.....

DRAFT CONTRACT ANNEXED TO FORM E

This indenture made in duplicate the ..... day of ..... between ..... of .....
of the first part and ..... of ..... of the second part.

Whereas the party of the first part is the owner of the right to publish in serial form in the Dominion of Canada the book entitled ".....
....." by ..... of .....

And whereas the party of the second part is the publisher of a periodical published in the Dominion of Canada, and has requested the party of the first part to grant to him the party of the second part a licence to publish the said book in serial form.

Copyright Act—*continued*

Now this indenture witnesseth that in consideration of the sum of ..... dollars of lawful money in Canada now paid by the party of the second part to the party of the first part (the receipt whereof is hereby acknowledged), the party of the first part doth hereby grant to the party of the second part the right and licence to publish in serial form in the Dominion of Canada the said book.

In witness whereof the parties have hereunto set their hands and seals.

Signed, sealed and delivered in the presence of .....) .....
.....

Form F

NOTICE OF APPLICATION FOR LICENCE UNDER SECTION 15 OF THE COPYRIGHT ACT

Take notice that ..... of .....
..... the publisher of the periodical entitled "....." has made application under Section 15 of the Copyright Act, for a licence to print and publish once in serial form in the said periodical the book entitled "....." upon the terms prescribed by the Copyright Rules. If you wish to be heard in support of any contentions or representations you may deem it in your interest to make before the said terms are settled, it will be necessary for you to appear either personally or through your agent, duly authorized in writing, before me at the Copyright Office, on the ..... day of ..... next.

Dated the ..... day of .....

.....
Commissioner of Patents.

To ..... of ..... owner of the Copyright in the book entitled "....."

Copyright Act—*continued*

FORM G

LICENCE UNDER SECTION 15 OF THE COPYRIGHT ACT

The Commissioner of Patents, under the authority of the Copyright Act and the Copyright Rules hereby grants to ..... of the ..... of ..... a licence to publish once in serial form in the periodical entitled "....." which is published in the said ..... of ....., the book entitled "....." the said ..... having paid the prescribed royalty and fee.

Dated the ..... day of .....

.....
Commissioner of Patents.

FORM H

APPLICATION FOR REGISTRATION OF COPYRIGHT IN A PUBLISHED WORK

I, ... of the ..... of.....
(city, town, etc.)

in the ..... of ..... HEREBY DECLARE
(province, state) (country)

That I am the owner of the Copyright in the original (*here insert: literary, dramatic, musical or artistic as the case may be*)

work entitled "....." by .....
(author's name and address)

of ..... and that the said work was first published by the issue of copies thereof to the public on the ..... day of.....

19...., in the ..... of .....
(city, town) (province, state, country)

and I hereby request you to register the Copyright of the said work in my name in accordance with the provisions of the Copyright Act.

I herewith forward the fee of $2 for registration of the said Copyright and the further fee of $1 for certificate of such registration.

Dated at ..... the ..... day of ..... 19....

Signature of applicant .....
(See Rule 32)

To the Commissioner of Patents,
Copyright Office,
Ottawa.

46917—26½

Copyright Act—*continued*

FORM I

APPLICATION FOR REGISTRATION OF COPYRIGHT IN AN UNPUBLISHED WORK

I, ... of the .....
(city, town, etc.)
of ..... hereby declare that I am the owner
(province, state, country)
of the Copyright in the original (*here insert: literary, dramatic, musical or artistic, as the case may be*) work entitled "....."
by ..... of ..... and that the said work
(author's name and address)
has not been published, and I hereby request you to register the Copyright of the said work in my name, in accordance with the provisions of the Copyright Act.

I herewith forward the fee of $2 for registration of the said Copyright, and the further fee of $1 for certificate of such registration.

Dated at ..... the ..... day of ..... 19....

Signature .....
(See Rule 32)

To the Commissioner of Patents,
Copyright Office,
Ottawa.

FORM K

NOTICE OF ADDRESS FOR PAYMENT OF ROYALTIES UNDER SECTION 19 OF THE COPYRIGHT ACT

I have to inform you that payment of royalties prescribed by Section 19 of the Copyright Act in respect of (name of work) of which I am the owner of the copyright may be made to me at the following address ..... and I agree to accept payment of such royalties quarterly on the last days of January, April, July, and October, each payment to include royalties due in respect of contrivances sold by you during the preceding three months.

Dated at ..... the ..... day of ..... 19....

To ..... of .....

Signature.....

Copyright Act—*concluded*

2. Fees, Charges or Royalties for Licences for the Performance in Canada of Dramatico-Musical or Musical Works in which Copyright Subsists.

Sections 10, 10A and 10B of *The Copyright Amendment Act,* 1931, (as amended by chapter 28 of the Statutes of 1936), require each society, association or company which carries on in Canada the business of acquiring copyrights in dramatico-musical or musical works or performing rights therein, and which deals with or in the issue or grant of licences for the performance in Canada of dramatico-musical or musical works in which copyright subsists, to file before November 1 in every year statements of all fees, charges or royalties which it proposes during the next ensuing calendar year to collect in compensation for the issue or grant of licences for or in respect of the performance of its works in Canada. Notice of the filing of the statements is given in the *Canada Gazette,* and as soon as practicable thereafter the statements and any objection received in response to the notice are referred to the Copyright Appeal Board. The Board then considers the statements and the objections thereto, if any, and may make such alterations as it thinks fit before certifying them as the approved statements. Following certification the approved statements are published in the *Canada Gazette* and thereupon the fees, charges or royalties so certified are those that the society, association or company concerned may sue for or collect in respect of the issue or grant by it of licences for the performance of all or any of its works in Canada during the ensuing calendar year. The statements of fees, charges or royalties approved and certified by the Copyright Appeal Board for the year 1949 were published in the *Canada Gazette,* Part II, of February 23rd, 1949, at pages 421-435.

COURT RULES (Practice and Procedure).

See ADMIRALTY ACT, 1934; EXCHEQUER COURT ACT; PRIZE COURT RULES; SUPREME COURT ACT; INCOME TAX APPEAL BOARD; TARIFF BOARD ACT; TRANSPORT COMMISSIONERS, BOARD OF.

CRIMINAL CODE. (R.S.C., 1927, c. 36)

Regulations regarding Pari-Mutuel Betting

1. Betting on horse races is only permitted on race tracks, which comply with the provisions of Section 235 of the Criminal Code, Chapter 36, of the Revised Statutes of Canada, 1927, as amended.

2. At race meetings, at which running races are held, betting will only be permitted upon the race course of any association incorporated before the nineteenth day of May, 1947, if such association has conducted a race meeting with pari-mutuel betting under the supervision of an officer appointed by the Minister of Agriculture at any time after the first day of January, 1938, but before the nineteenth day of May, 1947, or if the Minister of Agriculture has, before the nineteenth day of May, 1947, made a determination under Subsection 2B of Section 235 of the Criminal Code that the provisions of Subsection one of this Section and of Section 227 and of Subsections one and two of Section 229 shall not extend to the

Criminal Code—*continued*

operation of a pari-mutuel system with respect to running races at a race meeting conducted by such association on a race course of another association; or incorporated after the nineteenth day of May, 1947, by special Act of the Parliament of Canada or of the Legislature of any province of Canada.

3. No such race meeting shall continue for more than fourteen consecutive days on days on which such racing may be lawfully carried on.

4. Not more than one race meeting of more than seven and not exceeding fourteen such days or two such race meetings of not more than seven such days each shall be held on any one track during any one calendar year.

5. An interval of at least twenty days must elapse between two such race meetings of seven such days, or less, held on the same track.

6. The provisions of Subsection one of Section 235 and of Section 227 and of Subsections one and two of Section 229 shall not, if the Minister of Agriculture so determines in a particular case, extend to the operation of a pari-mutuel system with respect to running races at a race meeting conducted by an association on a race-course of another association if the provisions aforesaid do not extend to the operation of a pari-mutuel system with respect to running races on the race-courses of both such associations and if both race-courses are in the same province.

7. Not more than eight races, on which there is betting, may be held on any one day during such race meeting.

8. Not more than three additional betting features shall be held on any one day during any such race meeting, providing the total number of races plus the special betting features is not over ten.

9. A proper proportion of the racing association's revenue from gate receipts and pari-mutuel percentages shall be given in purses to the horses taking part in the race meeting.

10. A racing association shall not permit any person to engage in bookmaking within its premises.

11. The whole race meeting must be conducted in a decent and orderly manner.

12. The official of the Department of Agriculture charged with the administration of the betting regulations, or his agent, or agents, shall have access to the race track and betting facilities, etc., of the association at any time.

13. Officers appointed by the Minister of Agriculture shall, by direction of the Minister, carry out the necessary supervision of betting on horse races, and the officials of the racing associations must afford these officers every facility and supply any information they may require in carrying out this duty.

Criminal Code—*continued*

14. The cost of the supervision of betting at any race meeting shall be borne by the racing association holding the race meeting, and such charge shall be a first charge against the proceeds of such meeting.

15. Racing associations shall be required to submit statements showing gate receipts, pari-mutuel receipts, percentages retained, prize money, and such other information as may be required for the proper administration of the law in this connection. Officers of the Department must be given access to the books of the association for this purpose.

PERCENTAGES TO BE RETAINED

16. The racing association may retain percentages, as follows, of the total amount deposited on each race:

Where the total amount staked or deposited on each race is:

$20,000 or under .....9 per centum
Over $20,000 but not over $30,000, 9 per centum on $20,000 and on the excess.....8 per centum
Over $30,000 but not over $40,000, 9 per centum on the first $20,000, 8 per centum on the next $10,000 and on the excess .....7 per centum
Over $40,000 but not over $50,000, 9 per centum on the first $20,000, 8 per centum on the next $10,000, 7 per centum on the next $10,000 and on the excess .....6 per centum
Over $50,000, 9 per centum on the first $20,000, 8 per centum on the next $10,000, 7 per centum on the next $10,000, 6 per centum on the next $10,000 and on the excess .....5 per centum

In addition to the above percentages, the racing association may retain the odd cents over any multiple of five cents in the returns due the bettors. The maximum amount that may be so retained in any one winning bet is four cents, no matter what the amount staked. However, payments to bettors on bets of $5.00 or over must be in proportion to the exact amount calculated, which includes the odd cents.

17. Betting will only be permitted by means of a pari-mutuel system or a totalizator that has been approved by officers appointed by the Minister of Agriculture.

18. The said pari-mutuel system or totalizator must be operated in a fair and just manner.

19. Supervision of pari-mutuel betting will not be provided at race meetings where proper equipment for the registering of bets is not installed and where proper facilities are not provided for the bettors and the officers in charge of the supervision of betting.

20. Racing associations shall install a type of approximate odds board or such equipment that has been approved by the Department of Agriculture.

21. Racing associations with Grand Stands, Club Houses, Mutuel Buildings and Fields of a distance of 450 feet or longer shall use two approximate odds boards.

Criminal Code—*continued*

22. Racing associations must post, in view of the public, the amounts wagered on each individual horse, Straight, Place and Show, and the total amounts of these pools; also, the total amounts of the Daily Double and Quinella pools, with the number of tickets sold on the winning combinations.

23. Cameras used in connection with the photo-finish must be of a type that photographs a stationary object and the finishing line must not be drawn manually on the film or print.

24. Racing associations shall advise the Deputy Minister of Agriculture at least thirty days in advance, the dates on which they intend to hold their race meeting or meetings.

25. Racing associations extending or altering their mutuel buildings or equipment shall advise the Deputy Minister of Agriculture of such changes at least fifteen days prior to their race meeting.

Distribution of Pools

26. *The Straight Pool* shall be calculated as follows:
Deduct the legal commissions and tax.
Divide the net pool by the amount of dollars wagered on the winning horse and pay off at result obtained.

27. *The Place Pool* shall be calculated as follows:
Deduct the legal commissions and tax.
Deduct the total value of the two winning tickets.
Allot half the net pool to each horse.
Divide by the value of tickets on horse.
Pay off result plus the purchase price of the ticket.

28. *The Show Pool* shall be calculated as follows:
Deduct the legal commissions and tax.
Deduct the total value of the three winning tickets.
Allot one-third of net pool to each horse.
Divide by the value of tickets on horse.
Pay off result plus the purchase price of the ticket.

Dead Heats

29. When two horses finish in a dead heat for first place, and the heat is not run off, the straight pool is to be calculated as a place pool.

30. Should three horses finish in a dead heat for first place, and the heat is not run off, the straight pool and the place pools are to be calculated as show pools.

31. Should two horses finish in a dead heat for second place, and the heat is not run off, the pool shall be calculated as follows:
Deduct the legal commissions and tax, and the value of the winning tickets.
Divide net pool in two.
Allot half the pool to the horse finishing first and the remaining half divided between the two horses finishing second.
Divide portions allotted to each horse by the value of tickets sold on such horse.
Pay off result plus purchase price of the ticket.

Criminal Code—*continued*

32. Should two horses finish in a dead heat for third place, and the heat is not run off, the pool shall be calculated as follows:

Deduct the legal commissions and tax, and the value of the winning tickets.

Divide net pool in three.

Allot one-third to each of the horses finishing first and second.

The remaining third to be divided equally between the two horses finishing third.

Divide portions allotted to each horse by the value of tickets sold on such horse.

Pay off result plus the purchase price of the ticket.

Steeplechase and Hurdle Races

33. In the event of three horses not finishing in a steeplechase or a hurdle race, the pools shall be calculated as follows:

Should only one horse finish in a race, the place pool is to be calculated as a straight pool and divided among those holding place tickets on the winning horse; the show pool is to be calculated as a straight pool and divided among those holding show tickets on the winning horse.

Should only two horses finish, the show pool is to be calculated as a place pool and divided among those holding show tickets on the horses finishing first and second.

34. Should an error occur and the figures entered on the calculator's sheet are changed, the change must be initialled by one of the Department's supervisors.

Refunds

35. Should a horse be excused from starting in a race, all monies wagered on such horse shall be refunded.

36. Any refunds made on winning, unexchanged First Half Daily Double tickets must be at the expense of the Association, and such amounts must not be deducted from the pool.

37. Should the doors at the front of any stall gate fail to open when the Starter dispatches the field, thereby causing a horse to be "left", the Starter shall immediately report the name of the horse to the Stewards, and the Stewards shall order the money wagered on such horse deducted from the pool and refunded to the purchasers of tickets on that horse.

If one horse of an entry, or one of the horses grouped in the field, leaves the gate, there shall be no refund on the entry nor on the field.

Minus Pool

38. Should a minus pool occur, the racing association shall pay the purchase price of the ticket, plus at least 5 cents.

Underpayments

39. Should an underpayment to the public occur, a cheque for the amount of such underpayment is to be collected from the association by the officer in charge at the end of the racing day.

Criminal Code—*continued*

Rules Covering the Daily Double

40. Mutuel tickets for each race of the Daily Double must be printed separately.

41. Should there be no tickets sold on the winner of the first half of the Daily Double, those holding tickets on the horse finishing nearest the winner shall exchange tickets for their choice in the second half of the Daily Double.

42. Should there be no tickets exchanged on the winner of the second half of the Daily Double, the pool shall be divided among those holding tickets on the horse finishing nearest to the winner.

43. Should there be a Dead Heat in the first half of the Daily Double, and the heat is not run off, tickets on the two horses in the dead heat are to be exchanged at separate wickets for any choice in the final half and the pool calculated as a place pool.

44. Should there be a dead heat in the final half of the Daily Double, and the heat is not run off, the pool is to be calculated as a place pool.

Rules Covering the Quinella

45. All associations operating the Quinella Feature bet must use one calculator to every four sellers' wickets not recorded when the Cease Betting Bell stops ringing.

46. Should there be no tickets sold on the winning combination, the pool is to be divided among holders of tickets on the nearest combination.

47. Should there be a dead heat for first place in the race on which the Quinella Feature is operated, and the heat is not run off, the pool is to be divided among holders of tickets on the two horses in the dead heat.

48. Should there be a dead heat for second place in the race on which the Quinella Feature is operated, and the heat is not run off, the pool is to be calculated as a place pool, and divided among holders of tickets on the two winning combinations.

49. In the division of the Daily Double and the Quinella pools, the pool must be divided by the number of winning tickets and not reduced to the dollar basis, except when the pool is calculated as a place pool.

50. The Daily Double and Quinella pools shall be treated as entirely separate pools from the race pools and calculated accordingly.

51. Rulings covering the distribution of the Daily Double and Quinella pools, as to dead heats, no winning tickets, etc., must be shown on the daily race program.

Handicapping Contests

52. Associations operating handicapping contests must not operate these contests in connection with the pari-mutuel system in any way and no advertisements nor notices may be posted in or near the pari-mutuel equipment or included in the daily race program.

Criminal Code —*concluded*

CLOSING OF BETTING

53. At race meetings, where the pre-printed tickets system of betting is operated, all betting must cease and no further amounts deposited when the horses, on their way to the post in any and every race, have reached a distance one-eighth of a mile from the starting point, or such other distance from the post as the Minister of Agriculture may determine. The horses on their way to the post must be walked the last one-eighth of a mile.

54. At race meetings, where the electric totalizator is operated, all betting must cease when the horses are in the starting gate.

55. Where betting is conducted in Club Houses, Field Enclosures, Centre Fields and Paddocks, such betting must cease, when the horses, on their way to the post in any and every race, have reached a distance determined by the officers of the Department of Agriculture.

56. Racing associations must have the switches, controlling the cease betting signals, located in the judges' stand.

57. The officer in charge of the supervision of betting is to have complete charge of the said controls.

58. In the event of any of the above regulations not being carried out the officers of the Department of Agriculture have the power, under the law, to order that betting be suspended for such time as the Department may deem advisable.

Dated at Ottawa this 26th day of February 1948.

J. G. GARDINER,
Minister of Agriculture.

CRIMINALS, IDENTIFICATION OF

See IDENTIFICATION OF CRIMINALS ACT.

CURRENCY ACT. (R.S.C., 1927, c. 40)

Regulations for the examination and test of the coins of the currency of Canada

P.C. 5689

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 8th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and under the authority of section twenty-one of the Currency Act, Revised Statutes of Canada, 1927, chapter 40, is pleased to order as follows:

1. The Regulations respecting the examination and test of coins of the currency of Canada, established by Order in Council P.C. 1013 of 17th May, 1910, as amended, are hereby revoked; and

Currency Act—*continued*

2. The annexed "Regulations for the Examination and Test of the Coins of the Currency of Canada" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

REGULATIONS FOR THE EXAMINATION AND TEST OF COINS OF THE CURRENCY OF CANADA

1. There shall be set apart one coin from each two thousand pieces or part of two thousand pieces, ready for issue of gold coin delivered by the Coining and Medal Division of the Royal Canadian Mint to the Mint Office at any one time.

2. There shall be set apart one coin from each seven hundred and twenty ounces, Troy, or part of seven hundred and twenty ounces, Troy, of silver coin ready for issue delivered by the Coining and Medal Division of the Royal Canadian Mint to the Mint Office at any one time.

3. The gold coins set apart under section one shall be kept together in packets and the silver coins set apart under section two shall be kept together in other packets and the packets shall forthwith be sealed at the Mint Office and there shall be endorsed on each packet the denomination and number and the date of receipt of the coins in the packet.

4. The sealed packets mentioned in section three shall remain in the custody of the Mint Office until the time fixed by section five for the production thereof for examination and test.

5. The Assay Commissioners shall meet on the first Tuesday in May in each year at the Royal Canadian Mint to examine and test the weight and fineness of the coins in the sealed packets mentioned in section three set apart during the preceding calendar year.

6. The Minister of National Revenue shall cause the standard weights and trial plates in his custody to be produced at the Royal Canadian Mint at the time fixed by section five for an examination and test.

7. The Deputy Minister of Finance shall at least five days before the time fixed by section five for an examination and test give notice in writing to the Master of the Royal Canadian Mint to produce for examination and test the sealed packets mentioned in section five.

8. A Judge of the County Court of the County of Carleton in the Province of Ontario shall attend at the Royal Canadian Mint at the time fixed by section five for each examination and test and when the Assay Commissioners appear before him he shall administer to each of them an oath in the following words:

Currency Act—*concluded*

"You shall well and truly, after your knowledge and discretion, make the assay of these moneys of gold and silver, and truly report if these moneys are in weight and fineness according to the standard weights for weighing and testing the coins of Canada and the trial plates of pure gold and pure silver used for determining the justness of the gold and silver coinage of Canada in the custody of the Minister of National Revenue and are in conformity with the Schedule to the Currency Act. So help you God."

9. When the Assay Commissioners have taken the oath provided for in section eight they shall proceed in accordance with sections ten to fourteen to examine and test the coins in the packets mentioned in section five.

10. The Assay Commissioners shall ascertain that the coins in each packet correspond as to denomination and number with the endorsement on the respective packets and there shall be taken from each packet as many coins as they think necessary for the purposes of the examination and test.

11. The Assay Commissioners shall weigh or cause to be weighed in their presence each of the coins taken out for the purpose of examination and test so as to ascertain whether the coins are within the prescribed remedy as to weight.

12. The Assay Commissioners shall, after weighing the coins taken out for examination and test, melt the gold coins into an ingot and also melt the silver coins into an ingot and shall assay each ingot comparing them with the pure gold and pure silver trial plates produced by the Minister of National Revenue at the examination and test so as to ascertain whether the metal is within the remedy as to fineness.

13. The Assay Commissioners shall weigh the residue of the coins contained in the packets in bulk so as to ascertain whether the coins are within the remedy as to weight.

14. The Assay Commissioners shall then take from the residue mentioned in section thirteen such number of coins both of gold and silver as they think fit and weigh them and assay them separately.

15. The Assay Commissioners shall at the conclusion of the examination and test in accordance with sections ten to fourteen report their findings in writing to the Minister of Finance and shall state whether the ingots composed of the coins which they have melted as provided in these regulations are or are not within the remedies or variations from the standards of weight and fineness specified in the Schedule to the Currency Act and shall state the amount of the variations and they shall state the weight and millesimal fineness of the coins that they separately weighed and assayed.

16. The Minister of Finance shall upon receipt of the report of the Assay Commissioners transmit it to the Governor General in Council and cause a copy thereof to be published in the *Canada Gazette*.

CUSTOMS ACT. (R.S.C., 1927, c. 42)

1. *Drawback on goods used in manufacture of wireless telegraph apparatus.*
2. *Tare and draft allowances on packages containing imported sugar.*
3. *Liquid chlorine and bleaching powder.*
4. *Scientific apparatus and instruments.*
5. *Missals, benitiers, scapulars, etc.*
6. *Cold rolled steel used in manufacture of skates.*
7. *Drawback on spirits exported.*
8. *Drawback on parts of motor cars and trucks.*
9. *Temporary admission of articles of Canadian manufacture for repairs.*
10. *Drawback payment to producers of gold for export.*
11. *Drawback re original construction of ships built in Canada.*
12. *Drawback on ships' stores, etc.*
13. *Drawback on rubber goods exported.*
14. *Transportation of dutiable goods by rail.*
15. *Hovering in Canadian waters.*
16. *Oaths forms for Customs entries.*
17. *Drawback on ships' stores, etc., aircraft.*
18. *Drawback on models for designing or copying.*
19. *Drawback on goods for home consumption.*
20. *Export drawback regulations.*
21. *Warehousing of imported goods.*
22. *Importation of firearms, etc.*
23. *Drawback on goods imported and exported.*
24. *Drawback on materials used to manufacture agricultural implements, etc.*
25. *Drawback on bituminous coal for conversion into coke for smelting metals, etc.*
26. *Distribution of proceeds of penalties and forfeitures.*
27. *Value for duty — goods passing through another country.*
28. *Drawback on imported steel sheets.*
29. *Refund of duty on goods found not to be goods ordered.*
30. *Special services of officers.*
31. *Release of goods urgently required.*
32. *Coastwise and foreign shipping.*
33. *Travellers' samples.*
34. *Vessels entering Annapolis Basin and Bras d'Or Lakes.*
35. *Short-landed shipments arriving by vessel.*
36. *Records of goods imported for re-sale.*
37. *Temporary admission of articles for special use.*
38. *Permits for pleasure craft.*
39. *Invoices and entries, examination and appraisal of goods.*
40. *Procedure and fees for copies or certification of documents.*
41. *Trucking by highway.*
42. *Forms of power of attorney.*
43. *Licences for Custom-House brokers.*
44. *Ships' stores.*
45. *Aircraft imported temporarily.*
46. *Drawback regulations — Newfoundland.*
47. *Travellers' vehicles.*

Customs Act—*continued*

1. Drawback on goods used in manufacture of wireless telegraph apparatus

P.C. 17/768

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 5th day of April, 1918.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Customs, and under and in virtue of the provisions of section 286 of the Customs Act, is pleased to make the following Regulations respecting drawback of Customs duty on imported goods used in the manufacture of wireless telegraph apparatus supplied to vessels in Canada, and the same are hereby made and enacted accordingly:

Regulations

1. When imported materials, on which Customs duties have been paid, are used in the manufacture of wireless telegraph apparatus supplied to vessels in Canada, subsequent to 1st January, 1918, there may be paid a drawback of ninety-nine per centum of duties paid on the materials so used.

Provided, however, that such drawback shall not be paid unless the duty has been paid on the materials so used as aforesaid, within three years of the date when the wireless telegraph apparatus used has been supplied to the ship equipped therewith.

2. The said drawback may be paid to the manufacturer of the wireless telegraph apparatus subject to the following conditions, viz:—

(*a*) The quantity of material used and the amount of duties paid thereon shall be ascertained;

(*b*) Satisfactory evidence shall be furnished in respect of the manufacture of the wireless telegraph apparatus in Canada and its installation on board the vessel equipped therewith.

3. The claim for drawback shall be verified under oath to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the said wireless telegraph apparatus has been supplied to the vessel in Canada.

The Minister may also require in any case the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

2. Certain allowances *re* tare and draft upon packages containing imported sugar

P.C. 133

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of January, 1927.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Customs and Excise and under the powers granted by subsection (*b*), section 286, of the Customs Act, is pleased to order as follows:—

1. The Order in Council P.C. 2063, dated 13th November, 1886, authorizing certain allowances for tare and draft upon packages containing imported sugar, is hereby cancelled; and

2. The following regulation with respect to the said allowances is hereby made and established:

Regulation

In the weighing and taring of imported sugars, it is ordered that the allowance to be made for tare and draft upon packages containing sugar imported into Canada shall be the actual weight of such packages, as ascertained by weighing same after the sugar is discharged at the port of destination in Canada at the time when such sugar is entered at Customs, the weighing to be performed by Customs-Excise Officers and the labour required in handling and weighing to be furnished by the importer.

N. A. ROBERTSON,
Clerk of the Privy Council.

3. Liquid chlorine and bleaching powder—no drawback *re* Special or Dumping duty

P.C. 2483

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 14th day of January, 1930.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

The Deputy of His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, and under the provisions of section 286 of the Customs Act, is pleased to order as follows:

The regulation established under section 288 of the Customs Act by Order in Council of 8th August, 1924, (P.C. 1379) is hereby rescinded and the following regulation established in lieu thereof:

"No drawback shall be granted in respect of special or dumping duty paid on liquid chlorine and bleaching powder (or salt used in the manufacture of these articles) used in Canada in the manufacture of goods exported."

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

4. Manufacture of philosophical and scientific apparatus, utensils and instruments

P.C. 217/2412

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 29th October, 1932.

The Board recommend, under the provisions of section 284, Paragraph (*l*) of The Customs Act, that the following regulation be established:—

Regulation

When imported materials, including parts, on which Customs duties have been paid are used in the manufacture of philosophical and scientific apparatus, utensils, and instruments, supplied to any society or institution incorporated or established solely for philosophical, educational or scientific purposes, or for the encouragement of the fine arts, or supplied to any public hospital, college, academy, school, or seminary of learning in Canada, as provided for in tariff item 696, and used by such institutions for educational or scientific research purposes, and not for sale, there may be paid a drawback of ninety-nine per centum of the duties paid on the imported materials, including parts, so used, provided they were so used within three years from the date of importation, subject to the following conditions, viz:—

(*a*) The quantity of materials, including parts, used and amount of duties paid thereon shall be ascertained;

(*b*) Satisfactory evidence shall be furnished in respect to the manufacture in Canada of the philosophical and scientific apparatus, utensils and instruments;

(*c*) Satisfactory evidence shall be furnished establishing that the philosophical and scientific apparatus, utensils and instruments, upon which drawback is claimed, have been supplied to an institution, as heretofore described, entitled to the benefits of the provisions of tariff item 696.

The claim for drawback shall be verified under Oath before a Collector of Customs and Excise to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the manufacture of the philosophical and scientific apparatus, utensils and instruments covered by the claim. The Minister may also require, in any case, the production of such further evidence, in addition to the usual averments, as he may deem necessary to establish the *bona fides* of the claim.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

5. Manufacture of missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material

P.C. 1486

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of July, 1933

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Acting Minister of National Revenue is of the opinion that it would be of benefit to Canadian industry if a drawback of duties paid on materials, including parts, used in the manufacture of missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material, be authorized, inasmuch as the said articles now enter Canada free of duty under the provisions of item 691a of the Canada-France Trade Agreement;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue and under the authority of section 284, paragraph (*l*), of the Customs Act, is pleased to make the following regulation and it is hereby made and established:

Regulation

"When imported materials, including parts, on which Customs duties have been paid, are used on and after the 10th day of June, 1933, and until otherwise ordered, in the manufacture of missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material, there may be paid a drawback of ninety-nine per centum of the duties paid on the imported materials, including parts, so used, provided that they were so used within three years from the date of importation, subject to the following conditions, viz.:

(A) The quantity of materials, including parts, used and the amount of duties paid thereon shall be ascertained;

(B) Satisfactory evidence shall be furnished in respect to the manufacture in Canada of missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material.

The claim for drawback shall be verified under oath to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the manufacture of the missals, benitiers, scapulars, chapelets and rosaries and religious medals and crosses of any material covered by the claim. The Minister may also require, in any case, the production of such further evidence, in addition to the usual averments, as he may deem necessary to establish the *bona fides* of the claim."

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

6. Double bevelled edge cold rolled steel used in the manufacture of skates

P.C. 74/1736

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by The Deputy of His Excellency the Governor General in Council, on the 28th August, 1933.

The Board recommend that the following regulations be made and established under the provisions of paragraph (*l*), section 284, of the Customs Act:—

Regulations

"When double bevelled edge cold rolled steel for skate manufacturers, of a class or kind not made in Canada, is imported and used in the manufacture of skates, in Canada, there may be paid a drawback of ninety-nine per centum of the duties paid on the imported double bevelled edge cold rolled steel so used, provided it is so used within three years from the date of importation, and that drawback payable under these regulations is in lieu of drawback payable under any item of the Customs Tariff, subject to the following conditions, viz:

(A) The quantity of materials used and the amount of duties paid thereon shall be ascertained;

(B) Satisfactory evidence shall be furnished in respect to the manufacture in Canada of the skates.

The claim for drawback shall be verified under oath to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe, within one year after the manufacture of the skates covered by the claim. The Minister may also require, in any case, the production of such further evidence, in addition to the usual averments, as he may deem necessary to establish the *bona fides* of the claim."

N. A. ROBERTSON,
Clerk of the Privy Council.

7. Drawback on spirits exported

P.C. 54/2388

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by His Excellency the Governor General in Council, on the 23rd November, 1933.

The Board recommend that, under the authority of section 286 of the Customs Act, section 170 of The Excise Act and section 94 of The Special War Revenue Act, regulations be made, as follows respecting drawback of duty and taxes paid on imported spirits used in the manufacture or production of spirits exported:—

Regulations

1. Subject to the following regulations and restrictions, there may be paid to the Canadian licensed manufacturer of distilled spirits exported, in the manufacture or production of which imported spirits have been used, a drawback of ninety-nine per cent of the duties of Customs or Excise paid and of the sales tax or special excise tax paid on the imported spirits enter-

Customs Act—*continued*

ing into the spirits exported, and that proof satisfactory to the Minister of National Revenue shall be submitted by the claimant that the spirits claimed upon were imported spirits upon which duties and taxes had been paid, and such proof may be in the form of a certificate from a Collector or other duly authorized officer of Excise to the effect that the records of the Department show that in the manufacture or production of the spirits exported, and specially designated in such certificate, there was used a stated quantity of imported spirits.

2. Such drawback shall not be paid unless the duty has been paid on the imported spirits so used as aforesaid within three years of the date of the exportation of the spirits exported, nor unless the claims as presented at any one time aggregate Ten dollars.

3. Upon the exportation of any spirits entitled to drawback, Export entries, in triplicate, in the usual form (with the words "Subject to Drawback" marked on the face of the entry) shall be filed with the Collector of Customs and Excise at the Port of exit from Canada, naming the conveyance by which, and the country or place to which the spirits are to be exported and fully describing the kind and quantity thereof and also the marks and numbers on the packages.

4. The claimant shall be required to supply a certificate from the proper officer of the foreign Customs that the spirits described in such export entry at Canadian Customs were in each case duly landed in such foreign country.

5. The claim for drawback shall be verified under Oath before a Collector of Customs and Excise, or Justice of the Peace, to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe. The Minister of National Revenue may also require in any case the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

6. The following documents shall be delivered with the claim for drawback, viz:—

(*a*) A copy of the import or other entry showing payment of duty on the spirits used in the manufacture or production of the spirits on which drawback is claimed. If a copy of this entry, however, has been furnished with the previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it is attached, without furnishing a further copy of the entry;

(*b*) A copy of the bill of lading of the spirits exported duly certified as such by the carrier or his agent;

(*c*) A copy of the export entry certified by the Collector of Customs and Excise at the Port of exit where the spirits were entered for exportation from Canada;

(*d*) A certified copy of the export invoice;

(*e*) A certificate from the proper officer of the foreign Customs that the spirits described in such export entry at Canadian Customs were duly landed in such foreign country and duly delivered over to the Customs.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

8. Drawback *re* imported parts of motor cars and motor trucks to be exported

P.C. 121/343

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 20th February, 1934.

The Board recommend that the following regulations be made and established for granting a drawback of 99 per cent of the Customs duties and taxes paid on imported parts of motor cars and motor trucks, to be inspected, tested, anti-rust treated or otherwise prepared, and re-packed for export, shipped on or after 1st January, 1934, separately or together with motor cars, motor trucks, chassis, engines or other parts manufactured in Canada, for export to the United Kingdom, the Irish Free State or to any Dominion, Colony, Possession, Protectorate or Mandated Territory in the British Empire:—

Regulations

1. When imported parts of motor cars and motor trucks, to be inspected, tested, anti-rust treated or otherwise prepared, and re-packed for export, are shipped on or after January 1, 1934, separately or together with motor cars, motor trucks, chassis, engines or other parts manufactured in Canada, for export to the United Kingdom, the Irish Free State or to any Dominion, Colony, Possession, Protectorate or Mandated Territory in the British Empire, there may be paid a drawback of 99 per cent of the Customs duties and taxes paid on the imported parts so exported.

2. The said drawback may be paid to the exporter of the automobile parts, subject to the following conditions, viz.:

(*a*) The quantity of automobile parts imported and exported and the amount of duties and taxes paid thereon shall be ascertained;

(*b*) Satisfactory documentary evidence shall be furnished in respect to the importation into Canada and exportation therefrom;

(*c*) Upon the exportation of the imported parts of motor cars and motor trucks, in respect of which drawback is claimed, there shall be filed with the Collector of Customs and Excise at the Port of exit from Canada Export Entries, in triplicate, in the usual form, and shown thereon the words "subject to drawback", the name of the conveyance and the name of the country or place to which the said parts are to be exported, the quantity and description of the parts, and the markings and numbers on the packages;

(*d*) The parts of motor cars and motor trucks shipped, in respect of which drawback is claimed, shall be exported from Canada with motor cars, motor trucks, chassis, engines or other parts manufactured in Canada.

3. Provided, however, that such drawback shall not be paid unless the duty has been paid on the automobile parts within three years of the date of exportation of the automobile parts, nor unless the claims as presented at any one time aggregate ten dollars.

Customs Act—*continued*

4. The Minister of National Revenue may also require in any case the production of such further evidence in addition to the usual averments as he deems necessary to establish the *bona fides* of the claim.

5. Claims for drawback under the above mentioned regulations should be made on Customs drawback form K.15.

N. A. ROBERTSON,
Clerk of the Privy Council.

NOTE: *Customs drawback form K.15 mentioned in section 5 of Order in Council P.C. 121/343 has been changed to Customs drawback form K.32*

9. Regulation in regard to the temporary admission of articles of Canadian manufacture returned for repairs

P.C. 361

AT THE GOVERNMENT HOUSE AT OTTAWA

SATURDAY, the 16th day of February, 1935

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue, is pleased to order as follows:

The regulations in regard to the temporary admission of articles of Canadian manufacture returned to be repaired in Canada and again exported established by Order in Council of 20th August, 1904, are hereby rescinded, and the following regulation is hereby made and established in lieu thereof:

Regulation

Articles, when imported into Canada temporarily for repairs, adjustment or to be tested, may be admitted without duty or taxes; provided that the articles are such as can be satisfactorily identified and that a deposit or acceptable bond for double the amount of Customs duty and/or taxes be delivered to the Collector of Customs and Excise as security for the exportation of the articles under Customs supervision, or the due entry thereof for consumption, within six months from the date of importation.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

10. Drawback payment to producers of gold for export

P.C. 74/2633

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by His Excellency the Governor General in Council, on the 8th October, 1936.

The Board recommend that, under and by virtue of the powers granted by sections 284 (1) and 286 of the Customs Act, relating to payment of drawback of Customs duties; also section 94 (1) of the Special War Revenue Act, relating to payment of drawback of taxes, or any other powers thereunto enabling, the following regulation be made and established:—

Regulations

1. When imported materials, on which Customs duties, excise taxes or import sales taxes have been paid, and when domestic materials on which home consumption or sales taxes have been paid (in neither case to include fuel or plant equipment), are consumed in the production from ores, in Canada, of gold for export, delivered to the Master of the Royal Canadian Mint, Ottawa, Canada, there may be paid a drawback of ninety-nine per cent of the duties and taxes paid on the materials so used;

Provided, however, that such drawback shall not be paid unless the gold has been delivered to the Master of the Royal Canadian Mint, Ottawa, Canada, subsequent to the 1st January, 1935, nor unless the duties and taxes have been paid on the materials so used, as aforesaid, within three years of the date of such delivery.

2. The said drawback may be paid to the producer of the gold for export, subject to the following conditions:—

(*a*) The quantities of materials used and amount of duties and taxes paid thereon shall be ascertained;

(*b*) Satisfactory evidence shall be furnished in respect of the production of the gold from ores, in Canada;

(*c*) The Settlement Receipt, or sworn copy thereof, signed by the Master of the Royal Canadian Mint, Ottawa, Canada, or such officer as he may authorize, covering delivery of such gold, shall be filed with the claim, as substantiating evidence, in lieu of Customs export entry.

3. The claim for drawback shall be verified under oath before a Collector of Customs and Excise, or Justice of the Peace, to the satisfaction of the Minister of National Revenue, in such form as he shall prescribe. The Minister of National Revenue may also require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim.

4. (*a*) Claims for drawbacks submitted covering gold so delivered prior to the 1st January, 1936, must be presented to the Customs with complete evidence attached on or before the 31st day of December, 1936.

Customs Act—*continued*

(*b*) Claims for drawback submitted covering gold so delivered on and after the 1st January, 1936, shall not cover gold delivered for more than one year and must be presented to the Customs with complete evidence attached within a period of six months from the date of the last delivery covered by the claim.

5. Claims for drawback under the above regulations should be made on Customs drawback form K.15.

N. A. ROBERTSON,
Clerk of the Privy Council.

(NOTE: *Customs drawback form K.15 mentioned in section 5 of Order in Council P.C. 74/2633 has been changed to Customs drawback form K.32.*)

11. Drawback *re* original construction of ships or vessels built in Canada

P.C. 31/185

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by His Excellency the Governor General in Council, on the 28th January, 1937.

The Board recommend that, under the powers granted by section 284 (*l*) of the Customs Act, the following regulations governing drawback of Customs duties paid on imported materials and articles used in the original construction of ships or vessels built in Canada be made and established to take effect on and from the 1st April, 1937, superseding as of that date regulations made by Order in Council P.C. 5/2781, dated 17th November, 1913; P.C. 9/600, dated 20th March, 1915; P.C. 16/2593, dated 21st October, 1916; P.C. 5/2532, dated 11th September, 1917; P.C. 18/942, dated 19th April, 1918; P.C. 7/1090, dated 7th May, 1918; P.C. 12/243, dated 4th February, 1919; P.C. 8/1173, dated 26th May, 1920; and P.C. 46/442, dated 23rd March, 1926:—

General Regulations Governing Drawback for Original Construction of Ships or Vessels Built in Canada

When imported goods on which Customs duties have been paid are used in the original construction of,

(*a*) Ships or vessels having within themselves the power of independent navigation either by means of sails, steam or other motive power; or

(*b*) Barges or scows built of iron or steel and measuring over one thousand tons gross tonnage; there may, subject to the following conditions, be allowed a drawback of 99 per cent of the Customs duties paid thereon:

1. The claimant for drawback shall be, in all cases, the builder of the ship or vessel;

2. The quantities of the goods used and the amount of Customs duties paid thereon shall be ascertained;

Customs Act—*continued*

3. Satisfactory evidence shall be furnished in respect of the original construction in Canada of such ships or vessels in which the said imported goods are claimed to have been used;

4. Claims for drawbacks submitted on and after the 1st day of April, 1937, shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto, and shall not be paid unless the Customs duties involved have been paid on the goods within three years of the date of the filing of the claim nor unless the claims as presented at any one time aggregate ten dollars or over.

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths in such form as the Minister shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim;

6. The following documents shall be delivered with the claim for drawback, viz:—

(*a*) A copy of the import entry showing the payment of the Customs duties on the goods used on which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

(*b*) A certificate of importation and sale, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods.

N. A. ROBERTSON,
Clerk of the Privy Council.

12. Drawback on ships' stores, ships' furnishings or equipment and reconstruction or repairs

P.C. 32/185

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 28th January, 1937.

The Board recommend that, under the powers granted by section 286 of the Customs Act and section 94 of the Special War Revenue Act, the following regulations governing drawback of duties and taxes, respectively, paid on imported goods delivered as ships' stores, ships' furnishings or equipment or goods commonly known as ships' chandlery, or used in the manufacture of such, and on imported goods used in the repair and reconstruction of ocean going vessels, be made and established to take effect on and from the 1st April, 1937, superseding as of that date regulations made by Order in Council P.C. 22/3720, dated 2nd December, 1935:—

Customs Act—*continued*

General Regulations Governing Drawback for Ships' Stores, Ships' Furnishings or Equipment, and Reconstruction or Repairs

When consumable goods on which duties and/or taxes have been paid are delivered as ships' stores on board British and foreign warships, telegraph cable ships, transports owned, chartered or controlled by the British Admiralty, and ships proceeding on an ocean voyage outside of Canada, for use on board thereof, there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid on the goods so delivered. Provided that the Minister of National Revenue shall define and limit the kind, quantity and class of goods which may be so delivered as ships' stores and that such stores or any part thereof shall not be relanded, sold or disposed of in Canada, without due entry and payment of duty and/or taxes.

When goods on which duties and/or taxes have been paid are used in the manufacture of ships' furnishings or equipment or goods commonly known as ships' chandlery supplied to vessels hereunder described, or when imported ships' furnishings or equipment or goods commonly known as ships' chandlery are supplied to such vessels, viz:—

(*a*) Plying on trans-oceanic routes;

(*b*) Bound from a port on the Atlantic coast to a port on the Pacific coast and *vice versa*;

(*c*) Regularly clearing for ports south of the line of the Tropic of Cancer;

there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid on the ships' furnishings, equipment or chandlery so delivered or on the imported goods used in the manufacture thereof.

When goods on which duties and/or taxes have been paid are used in repairing or reconstructing an ocean going vessel, clearing for a foreign port, there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid on the goods so used.

1. The applicant for drawback shall be the person who has supplied such goods to the vessel or has done the repairs thereto or reconstruction thereof;

2. The quantities of the goods so supplied or used, and the amount of duties and/or taxes paid thereon, shall be ascertained;

3. Notice, in form prescribed by the Minister of National Revenue, of intent to claim drawback shall be filed with the Collector of Customs and Excise at the time when such goods are supplied to the vessel;

4. Claims for drawback submitted on and after the 1st April, 1937, shall not be paid unless the Customs duties and/or taxes involved have been paid within three years of the supplying or use of the goods nor unless the claims as presented are filed within six months of the first clearance of the vessel thereafter;

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim;

Customs Act—*continued*

6. The following documents shall be delivered with the claim for drawback, viz:—

(*a*) A copy of the import entry showing the payment of the Customs duties and/or taxes paid on the goods as supplied or used on which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

(*b*) A certificate of importation and sale in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;

(*c*) A copy of the notice of intent to claim drawback, as required by paragraph (3).

N. A. ROBERTSON,
Clerk of the Privy Council.

13. Drawback on rubber goods, manufactured and exported

P.C. 33/185

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 28th January, 1937.

The Board recommend that, under the powers granted by section 286 of the Customs Act and section 94 of the Special War Revenue Act, the following regulations governing drawback of duties and taxes, respectively, paid on imported goods used in the manufacture of goods in whole or in part of rubber sold to manufacturers in Canada to be used in, wrought into or attached to articles exported, be made and established to take effect on and from the 1st April, 1937, superseding as of that date regulations made by Order in Council P.C. 8/323, dated 6th February, 1917.

Regulations

When goods on which Customs duties and/or taxes have been paid are used in the manufacture of goods, in whole or in part of rubber, sold to manufacturers in Canada to be used in, wrought into or attached to goods exported, there may be paid a drawback of ninety-nine per cent of the duties and/or taxes paid thereon.

(1) The drawback may be paid to the manufacturer or producer in Canada of such goods in whole or in part of rubber;

(2) The "General Regulations Governing Export Drawback" as from time to time established shall apply to claims hereunder as far as applicable, with the following addition, viz:—

There shall be delivered with the claim for drawback:—

(*a*) A certificate signed by the exporter stating that the goods were exported as such or used in, wrought into or attached to articles exported.

(*b*) A waiver signed by the exporter of his rights to claim drawback in respect thereof.

N. A. ROBERTSON,
Clerk of the Privy Council.

46917—27½

Customs Act—*continued*

14. Regulations concerning the transporting, manifesting and reporting of dutiable goods by railway in or through Canada

P.C. 27/1108

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by His Excellency the Governor General in Council, on the 15th May, 1937.

The Board recommend that, under the powers granted by sections 284 (*q*) and 285 of the Customs Act, the following regulations concerning the transporting, manifesting and reporting of dutiable goods by railway in or through Canada be made and established, effective on and after the date of publication in the *Canada Gazette,* and that Orders in Council dated 19th of March, 1883 (P.C. 542), 4th of December 1883 (P.C. 2456), 5th of July, 1886 (P.C. 1364) and 10th of January, 1913 (P.C. 3/60) be cancelled as of that date:—

Regulations

TRAIN REPORTS

1. All imported goods are required to be reported at the frontier port. Train reports inwards at the frontier port are required under the provisions of section 16 of the Customs Act and at the time of making his report the railway conductor shall, if required by the Customs officer, produce to him the waybills of all goods on board his train or true copies thereof.

2. Goods exported from Canada are required to be reported outwards and export entries thereof, in duplicate, delivered by the railway to the Collector of Customs at the port of exit from Canada (on the United States frontier). In the case of default the railway will be subject to penalties as provided by the Customs Act.

RAILWAY FREIGHT MANIFESTS

3. Unless otherwise specially provided, all goods arriving from foreign territory, whether destined to a port of entry in Canada or to other places in Canada, or for transportation in transit through Canada, are required to be placed under manifest. When in bond goods are destined to a place in Canada where there is no Customs House at which such goods may be entered, they shall be manifested on the nearest port short of destination, except in cases where arrangements have been made with the transportation company to have the goods manifested on some other port where the importer may desire to pass entry. Goods forwarded "In Bond" are to be manifested only on a Customs Port, Outport, or Manifesting Station. Goods transported In Bond shall be marked as "In Bond" on the relative waybills.

4. Manifests shall be in such form and call for such information as may be prescribed from time to time by the Minister. Manifests shall be prepared by the carrier for all goods imported and manifests for goods destined to be delivered at a frontier port shall be prepared, recorded and cancelled, as in the case of manifests for interior ports.

5. Manifests are required to be made out, in triplicate, on firm paper suitable for handling and preservation as Customs records. They may be prepared by means of typewriter, indelible pencil or pen and ink. Carbon paper may be used for second and third copies when the manifests are

Customs Act—*continued*

prepared on a typewriter or by indelible pencil, and in such circumstances the original copy should be forwarded attached to the waybill. Illegible manifests should not be signed by Customs Officers and goods should not be allowed to go forward under manifests which have not been properly prepared.

6. Duplicate and triplicate copies of manifests must be compared with the original and with the waybill before being forwarded. One copy of the manifest is to be filed at the sending port, one copy forwarded by mail to the receiving port and the original attached to the waybill for presentation to Customs at destination. When goods are carried by express or fast freight, and may therefore arrive at destination before the mail copy of manifest, two copies of the manifest may be forwarded with the waybill, but one copy shall, in every case, be sent by mail to the receiving port.

7. A separate series of consecutive numbers must be given at sending ports to manifests for each port of destination, and for each fiscal year. Should there be more than one station at a sending port, each station should be distinguished by letters, A. B. C., etc., and the series of numbers at each station should be kept distinct by prefixing the station letter to its number on the manifests. Fractional numbers (as $\frac{1}{4}$, $\frac{1}{2}$, etc.) must not be used in numbering manifests.

8. A receiving port may not alter sending port numbers of manifests received on request of a sending port as manifests must be correctly numbered with proper consecutive numbers and recorded in the Register of Manifests Forwarded before being signed and stamped with the office dating stamp and issued at a sending port.

9. Manifests are to be recorded in the Register of Manifests Received at the receiving port in the proper consecutive order of their arrival. At the same time they are to be recorded in the Numerical Index of Manifest Numbers (Form E-48 or Form E-48 Special) and if it is ascertained that manifests are not being issued in proper consecutive order, or that sending port numbers are being duplicated, the omissions and irregularities are to be brought to the attention of the sending ports concerned.

10. In receipting manifests the word "Received" is to be shown over the pen and ink signature of the officer receipting for the goods. Receipted manifests should be stamped at the receiving port and again at the sending port in order to show the date of return. Where provision is made for receipting for goods, as per forms of certificates shown on Form A-11, it will be unnecessary to show the word "Received" on the manifests as herein provided.

11. All manifests (except as otherwise ordered) shall be cancelled by entry, remanifest or unclaimed list number. Such manifests should be cancelled by the unclaimed list number if the goods recorded thereon have not been entered or remanifested at the expiration of thirty days from the receipt of the goods. When manifests have been receipted and cancelled, mail copies should be returned to sending ports. Should the receiving port fail to return cancelled manifests within thirty days after the receipt of the goods, the collector of the sending port shall cause a tracer in the prescribed form to be sent to the port in arrears with a request that the manifest be returned.

Customs Act—*continued*

12. Officers at sending ports are to carefully scrutinize copies of manifests returned from receiving ports to ensure that they are completely and properly cancelled before being accepted and filed for record purposes.

13. When it is necessary to transfer the contents of a railway car equipped with Customs Tyden seals to another car, such transfer must be made under the supervision of a Customs Officer who will complete the appropriate certificate on the manifest. In the event of an accident or wreck and where a Customs Officer is not available, the conductor shall supervise the transfer and complete the appropriate declaration on the manifest. In the case of less than carload shipments, when the packages have been checked with manifests at the frontier, a record of transfers is not required.

14. In Bond freight is required to be checked by Customs Officers at the frontier so that manifests to interior ports shall show correctly the packages contained in the bonded cars, and less carload freight may be forwarded In Bond from the frontier to interior ports in unsealed cars when the goods have been unladen at the frontier and the packages checked and compared with manifests, provided the following notation is made on the manifests by the Customs Officer at the sending port, viz.: "Packages Checked with Manifests."

Provided, however, if it be found difficult to check any carload lot (not including pool cars) to one consignee, the Customs Officer at the frontier shall make a notation to the following effect on the manifest covering such sealed car, viz: "Car not Examined by Customs at Frontier. Check at Receiving Port."

15. All carload shipments are to be carefully examined at the receiving port to ascertain if the goods are properly described on the relative entries and invoices, and if the cars contain only the goods included in such documents. If discrepancies are discovered notations must be made on the manifests as to "Shorts" and "Overs."

16. If single shipments of bonded goods accounted for on a railway manifest are transported during part of the journey by water route within Canada, they may be carried to destination on the original documents without remanifest at ports of transhipment. Note, particularly, that in transactions of this kind only one shipment may be entered on each manifest.

17. Goods accounted for by Customs Entries for Export ex-warehouse or Entries for Removal ex-warehouse are required to be forwarded under manifest. Goods subject to Excise duties, when removed by railway, are not to be manifested except when shipped for exportation.

18. When bonded goods are returned in transit, without having been warehoused or entered for duty in Canada, they should be described on the Customs manifests as "Returned in Transit" without being accompanied by export entries.

19. Each railway company, before being permitted to manifest goods in bond, shall enter into a general bond to be duly executed in the penal sum of eighty thousand dollars, conditional for the due and faithful production at the respective ports of destination in Canada of all packages passing over such road under manifest, and for the general compliance with the Customs laws and regulations governing such traffic.

Customs Act—*continued*

20. All railway companies shall provide secure and commodious sufferance warehouses and other necessary premises in connection with their stations at every Customs port or outport, for landing, storing, transferring, delivering and forwarding bonded goods; also suitable office accommodation, with fuel and light, for the officers of Customs appointed to attend such stations. All such premises shall be made secure to the satisfaction of the collector or other proper officer of Customs.

21. Loading, transferring or landing bonded goods before or after regular Customs hours, or on Sundays or legal holidays, shall only be permitted upon application to the collector or other proper officer of Customs; and railway companies shall pay such sum or sums for the extra services of officers, as provided for in departmental regulations, but no such money shall be paid by any railway company to any officer of Customs except through the collector of the port, who will, in every case, give his receipt for the same.

22. Transfers of merchandise in course of transportation in transit through Canada may be allowed as follows: When cars partially loaded arrive under United States Customs seal at any railway station at which there are both Canadian and United States officers of Customs in attendance, such cars may be unsealed by a United States officer in the presence of a Canadian officer and the contents transferred to another car under the joint supervision of the said officers, and all such changes and transfers shall be duly recorded on the back of the manifest accompanying the car in the same manner as is permitted in the case of accidents, and shall be signed by both of said officers.

23. Customs sealing presses will be provided where required on requisition to the Department. The locks, seals or other fastenings used in connection with the transportation of bonded goods shall be approved by the Minister and shall be provided at the expense of the carrier engaged in such transportation.

24. The labour of cording and sealing is to be performed and the expense paid by the carrier engaged in the transportation of bonded goods. The Customs sealing press is to be applied to the seals by the agent or employee of the carrier, under the supervision of a Customs officer; and the seals are not to be thereafter removed, broken or injured except by order of an officer of Customs and in his presence.

25. In respect of live stock in transit through Canada from one port of the United States to another port therein, in cases where United States authorities permit the removal of United States Customs seals by Canadian Customs officers, when necessary for watering or feeding stock, the facts are to be noted on the manifests over the signature of such Canadian officers, and it is understood that after the stock has been watered and fed and returned to the cars in Canada, Canadian Customs seals are to be attached to the cars.

26. The following instructions have been issued by the United States Treasury Department containing provisions respecting merchandise in Transit between ports in the United States through contiguous foreign territory:—

Customs Act—*continued*

"Merchandise may be transported from one port to another in the United States through Canada or Mexico in sealed cars covered by manifests printed on yellow paper $3\frac{1}{2}$ by 8 inches in size.

Merchandise may be forwarded in less than carload lots without being corded and sealed, such fact being noted on the manifest. The Customs officer at the port of exit shall however, carefully examine the packages and satisfy himself that the merchandise agrees with the manifest quantity and description."

Regulations Respecting the Manifesting of Goods by Express

27. The transportation of merchandise in bond by express must be made by common carriers bonded for that purpose. Common carriers, authorized to do business as such in Canada, desiring to transport merchandise by express in bond shall apply in writing to the Commissioner of Customs, Ottawa. If the application is granted, a bond shall be executed in duplicate on the form approved by the Department of National Revenue where one copy of the bond shall be filed.

28. The bond, in approved form, shall be executed in Canada by the carrier and by an approved Guarantee Company authorized to do business in Canada as surety for a sum of not less than Ten Thousand Dollars.

29. Goods forwarded by express or other conveyance are to be checked as provided in respect of dutiable goods manifested by railway. Goods by express are to be carefully checked by a Customs officer on arrival at the frontier port and manifested on the Customs port of destination.

30. Every package by express must have the shipper's name and address plainly marked on it, as well as the consignee's name and address. The value of the contents should also be marked on the package as a further means of identification.

31. A notice in form approved by the Commissioner of Customs indicating that the goods are in bond shall be provided by express companies and pasted on the face of each In Bond package for the information and guidance of express company employees.

GOODS MANIFESTED IN ERROR

32. If goods which have been entered at Customs are, through error, manifested on another port, the manifest may be cancelled and the goods released, after examination and identification, upon delivery of the following documents to the collector, viz: Copy of Invoice and Entry, with certificate from the collector at the port where the goods were entered to the effect that the said goods were "duly entered, examined and appraised as per said invoice and entry." If the collector at the port of entry is not in a position to furnish a certificate that the goods have been examined and appraised, such examination and appraisal must be made at the port of destination.

BONDED GOODS DIVERTED IN TRANSIT

33. If goods are held for entry or re-manifest at a port other than the port on which they were originally manifested, the carrier shall deliver to the collector at the port where the goods are so held the copy of the manifest

Customs Act—*continued*

which accompanied the waybill, together with an abstract in triplicate in form A-2¾. If only a portion of the goods is diverted, a part copy of the manifest accounting for the diverted goods is to be supplied in lieu of the train copy of manifest.

34. Such manifest and abstract are to be recorded under the same receiving port number in the Register of Manifests Received, and the manifest should be plainly marked with the word "Abstracted." One copy of the abstract is to be attached to the manifest.

35. Two copies of the abstract are to be forwarded by the collector at the port of diversion to the original sending port, each copy to be signed by the Customs officer, acquitted with entry, re-manifest or unclaimed list number, and marked with the stamp of the port of diversion. The collector at the original sending port shall then stamp and send one of these copies to the original receiving port to be filed there with the mail copy of original manifest as a cancellation thereof.

36. The collector at the original sending port and at the port of diversion shall keep a special record of all such abstract manifests.

BONDED GOODS ARRIVING WITHOUT MANIFESTS

37. When uncustomed goods arrive at a Customs port without Customs manifest, and if such manifest cannot be produced in a reasonable time, the collector may permit an abstract in form A-2¾ to be furnished in duplicate and entry made accordingly, such abstract to be given a receiving port number in the usual course and recorded in the Record of Abstract Manifests—Port of Diversion.

38. If the proper manifest subsequently arrives, one copy thereof is to be filed at the receiving port along with the abstract and the other returned to the sending port duly acquitted.

Special Through Manifest Form A-4½ for Sealed Cars Passing in Transit from Frontier Port to Frontier Port in Canada

39. Cars of merchandise may pass in transit from frontier port to frontier port in Canada on Special Through Manifest Form A-4½ without the contents of the cars being specified in detail as required on other forms of manifest, provided the cars are sealed with Canadian Customs Tyden seals at the port of entry and are exported with seals intact. Cars accounted for on Special Through Manifest, form A-4½, may not be diverted in Canada under "Abstracts" as in other cases permitted under the regulations.

40. If these through cars be so diverted or held for use in Canada, they should be placed under detention by Customs officers as soon as discovered and particulars reported to the Commissioner of Customs for instructions.

41. Form A-4½ shall be executed in duplicate at the sending port where such cars enter Canada from foreign territory and be given a sending port number and dated with the official dating stamp by the proper Customs officer. One copy is to be attached to the railway waybill accounting for such car and is to accompany same to the frontier port of exit from Canada. The Customs officer shall carefully examine the car and see that it is secured under Customs seals before the manifest is marked with the Customs dating stamp.

Customs Act—*continued*

42. Special form A-4½ is required to be recorded at the sending port in a Register of Manifests Forwarded under the proper heading of the port or outport upon which such car is manifested (such Register to be kept exclusively for recording manifests so forwarded). Manifests executed upon frontier ports or outports are to be issued in a distinct and separate series.

43. Upon the arrival of the car at a frontier port where such car is to be exported it is to be examined by a Customs officer to see that the Canadian Customs seals on the doors are intact and Special Form A-4½ accompanied by form A-5 (Train Report Outwards) is to be handed by the proper official of the transportation company to the Customs officer who shall check the car number and initial as contained on Train Report Outwards, form A-5, with the manifest, Special Form A-4½, to see that they agree. He shall then sign, officially stamp and date the manifest and return it to the sending port. The officer shall also make a notation on form A-5 (Train Report Outwards) as to the exportation of such car and the date so exported.

44. When Special Form A-4½ is returned to the sending port the officer shall stamp such manifest with the sending port dating stamp and compare it with the original on file to see that they agree. He shall then file same attached to the original manifest for future reference by the Financial Inspector.

45. Cars manifested under Special Form A-4½ may be exported at any frontier port or outport, the change of frontier port or outport not being considered a diversion. Cars accompanied by manifest, Special Form A-4½ arriving at a frontier port or outport other than that on which originally manifested may be exported therefrom and the manifest acquitted and returned as hereinbefore set forth.

Goods Short Received

46. When goods accounted for under Customs manifests (Express or Freight) are reported "Short" at the receiving port by the Transportation Company, the collector, sub-collector, or other proper officer of Customs is to issue a tracer in the prescribed form and show thereon the short report number, as ascertained from the agent of the transportation company, forwarding one copy of such form to the Claims Agent of the Railway, or the Superintendent of the Express Company reporting the shortage. One copy is to be placed on file in the Record Room of the receiving port or outport, and the shortage recorded in the receiving port Record of Goods Short Received at Destination. A third copy is to be mailed to the collector or sub-collector at the port or outport where the manifest was issued, who shall record the shortage in the Sending Port Record of Goods Short Received at Destination.

47. When goods are short received, the tracing of the shortage devolves upon the officers at both the receiving and sending ports.

Regulations for the Transportation of Goods in Transit Through the United States

48. Goods, the growth, produce or manufacture of Canada, including goods in excise bond under the usual removal entry, and foreign goods duty paid or free of duty, may be transported from one port to another in

Customs Act—*continued*

Canada over the territory of the United States, by railway, with the consent of the proper United States authorities, by routes duly designated and bonded for such purposes. Imported goods in bond may be transported in like manner.

49. Such goods may be so transported in railway cars under Canadian Customs seal, or in single packages under cord and Canadian Customs seal, and such cars or such goods must remain so sealed until they shall have passed through the United States and have re-entered Canada. Sugar and molasses in hogsheads, railroad iron, and all goods in bulk which are incapable of being laden in closed cars, may be transported on open cars, but such goods must be duly corded and sealed if their nature will permit.

50. The agent of the railway or other transportation company must present to the collector of Customs at the Canadian frontier port of exit manifests in triplicate on the Canadian frontier port of re-entry for each car containing such goods, which manifests shall be prepared by the said railway or other transportation company and subscribed by the proper agent thereof and shall contain a particular description of the goods, by packages, marks, numbers and contents, the destination, the consignor, the consignee, and the route over which the transportation is to be made, and shall distinguish such goods as are in Customs or Excise bond from such goods as are not in Customs or Excise bond. The manifest shall be in the form prescribed by the Minister.

51. Upon the presentation of such manifests at the Canadian frontier port of exit, the proper officer of Customs thereat shall compare such manifests with the waybills of the railway or other transportation company and see that they agree therewith. The cars containing such goods shall be sealed with the Canadian Customs seal under the supervision of the Customs officer present, or, if such goods are to be transported otherwise than in a sealed car, the packages shall be corded and sealed with Canadian Customs seal under like supervision.

The proper officer of Customs shall then certify and stamp each of the triplicate manifests, taking care to score with lines the blank portion of each manifest so that no additional articles may be interpolated after signing, deliver one thereof to the agent of the railway or other transportation company to be attached to the waybill and accompany the goods, and immediately return the other two to the Customs House. One of such manifests shall be filed at the Customs House and the other forwarded by first mail to the Collector of Customs and Excise at the Canadian frontier port of re-entry.

52. On arrival at the Canadian frontier port of re-entry, a careful examination must be made of the seals, or the cords and seals, as the case may be, and, if found intact, they shall be removed. Such goods as are not noted on the manifest as being in Canadian Customs or Excise bond shall be released from further Customs surveillance, and such goods as are noted on the manifest as being in Customs or Excise bond shall be forwarded to destination under manifest in the usual form. The officer who has examined the seals, or cords and seals, shall certify the result on the manifest and return one copy of the manifest to the port from which it was issued. Provided, however, in the case of goods in Customs or Excise bond, the officer shall include in such certificate the following additional information, viz: Name of the port to which forwarded and the sending port number

Customs Act—*continued*

of manifest. If the seals be lost or broken, or if the packages, cars or seals appear to have been tampered with, the goods shall be carefully compared with the manifest, and if the circumstances justify such action, shall be detained for seizure and condemnation. In ordinary cases, a comparison by marks and numbers will be sufficient, but if there be well grounded suspicion of fraud the examination will extend to the contents of packages.

53. In any case, where an additional copy or copies of a manifest may be required by a railway or other transportation company for delivery to the United States Customs, such additional copy or copies may be certified by the proper Canadian Customs Officer.

N. A. ROBERTSON,
Clerk of the Privy Council.

Manifesting

(D. 92)

OTTAWA, September 12, 1938.

1. FORMS AUTHORIZED.—Section 4 of the Order in Council of 15th May, 1937, (P.C. 27/1108), provides that manifest shall be in such form as may be prescribed from time to time by the Minister. Specimens of authorized forms enumerated hereunder may be obtained on application to the department:—

A-1 Train Report Inwards—Pink or Yellow.
A-1½ Train Manifest of Freight on board cars—White.
A-2 (Amended) Separate Car Manifest of bonded goods—Pink: 8⅜″ wide and 10⅞″ or 16½″ long.
A-2½ Express Manifest—Yellow.
A-2¾ Abstract, Separate Car Manifest of bonded goods diverted—White.
A-3 Transfer Manifest of goods in bond (red ink on white paper).
A-3½ (Amended) Interline Separate Shipment Manifest (for use in Canada only)—Pink, 8½″ wide and 11 inches long.
A-4 Special Through Train Manifest of Sealed Cars in transit across United States Territory—White.
A-4½ Special Through Manifest of Sealed Cars in transit—Yellow, 8″ x 7″.
A-5 Train Report Outwards—Pink or Yellow.
A-11 Special Manifest for goods in transit through United States—White.

2. INSTRUCTIONS RESPECTING CUSTOMS LOCAL TRANSFER MANIFEST OF GOODS IN BOND.—When a transfer of goods under manifest has been properly executed on Transfer Manifest Form A-3, the re-manifest number contained on such form is to be noted in the column provided for that purpose on the manifest under which the goods were received at the Port as a cancellation thereof.

The Transfer Manifest (A-3) is to be executed in triplicate, one copy being held in the Sufferance Warehouse where executed, and two copies forwarded to the Sufferance Warehouse to which the goods are forwarded to be remanifested. One of these copies is to be placed on file when properly executed, and the other copy is to be returned to the Customs-Excise Officer at the Sufferance Warehouse where issued, who will record the Sending Port Number and the Car Number on the original copy which he retained and attach the duplicate thereto for future reference and inspection purposes.

Customs Act—*continued*

3. NOTICE LABEL ON EXPRESS PACKAGES.—The notice to be provided by express companies to be affixed to each express "in bond" package, as referred to in Section 31 of the Order in Council, shall be in the following form (size $3\frac{1}{4}$" x $3\frac{1}{4}$") printed in black ink on bright red paper:

.....Express Company

IN BOND

From .....

Deliver to Collector of Customs and Excise

At .....

IMPORTANT NOTICE.—Agent at destination must not deliver this shipment unless he has evidence that clearance through Customs has been arranged.

When released by Customs Officer, the agent at Customs Port should affix a "Cleared Customs" sticker form.....

4. MANIFESTING OF GOODS ON CERTAIN PLACES NOT PORTS OR OUTPORTS PERMITTED BY SPECIAL ARRANGEMENT.—Special provision has been made for the manifesting of "in bond" goods destined to specified places which are not Customs Ports or Outports of entry, as follows:—

Ogden, Alta.—Bonded goods consigned to Ogden, and transported as freight by Canadian Pacific Railway, may be manifested upon the Port of Calgary, Alberta. When the manifests are so marked the bonded goods may be delivered at Ogden, subject to entry at the Calgary Customs House.

Mimico, Ont., New Toronto, Ont., Swansea, Ont.—Bonded goods consigned to Mimico, New Toronto, and Swansea, and transported as freight by the Canadian Pacific Railway or Canadian National Railways may be manifested on the Port of Toronto, Mimico Station, New Toronto or Swansea. When the manifests are so marked the bonded goods may be delivered at Mimico, New Toronto or Swansea, subject to entry at Toronto Customs House.

South Edmonton, Alta., Strathcona, Alta.—Bonded goods consigned to South Edmonton or Strathcona and transported as freight by the Canadian National Railways and the Canadian Pacific Railway may be manifested upon the Port of Edmonton, Alberta. When the manifests are so marked, the bonded goods may be delivered at South Edmonton, or Strathcona, subject to entry at Edmonton Customs House.

Aurora, Ont.—Bonded goods consigned to Aurora and carried as freight may be manifested on the Outport of Newmarket. When the Manifests are so marked, bonded freight shipments may be delivered at Aurora subject to entry at Newmarket, but it is to be clearly understood that such shipments are not to be released at Aurora until they have been duly cleared at Customs.

Port Elgin, Ont.—As an arrangement exists whereby the Sub-Collector at Southampton visits Port Elgin three times a week for the

Customs Act—*continued*

purpose of accepting entries and releasing In Bond goods destined to Port Elgin, such goods should be manifest on the Outport of Southampton in the future instead of on the Outport of Walkerton as heretofore.

Battleford, Sask.—Freight in carload lots for one consignee at Battleford may be manifested on North Battleford for entry, but held at Battleford for release from Customs.

H. D. SCULLY,
Commissioner of Customs.

(D No. 42
Supplement No. 4)

15. Hovering in Canadian Waters—Section 151 Customs Act

PROCLAMATION

L. A. CANNON,
Administrator
[L.S.]

CANADA

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India.

TO ALL TO WHOM these Presents shall come or whom the same may in anywise concern, GREETING:

A proclamation:

F. P. VARCOE, Acting Deputy Minister of Justice, Canada.

WHEREAS subsection one of section one hundred and fifty-one of the Customs Act, as enacted by section four of Chapter thirty of the Statutes of 1936, provides as follows:—

The provisions of this section shall extend to vessels hovering in Canadian waters, and in the case of any vessel registered in Canada, or of any unregistered vessel owned by a person resident or domiciled in Canada, or of any other vessels or class of vessels which the Governor in Council may specify or enumerate by proclamation shall also extend to vessels hovering in Canadian Customs waters.

AND WHEREAS Our Minister of National Revenue states that difficulties have arisen in the enforcement of the Customs Act by reason of the presence of smuggling vessels hovering off the Canadian coasts and experience has shown that some of such vessels are British vessels registered outside of Canada.

AND WHEREAS at the request of Our Government in Canada, and in order to facilitate the work of Our Canadian Preventive Service in dealing with these vessels, Our Government in the United Kingdom has agreed, subject to certain conditions and limitations, to the exercise by Our Canadian Customs authorities of the powers contained in the section above in part recited, with respect to vessels registered in parts of the British Commonwealth other than Canada, Australia, New Zealand, the Union of South Africa, Eire and India.

AND WHEREAS Our Minister of National Revenue, with the concurrence of the Secretary of State for External Affairs, advise,—

Customs Act—*continued*

1. that vessels registered in the United Kingdom or any parts of the British Commonwealth other than Canada, Australia, New Zealand, the Union of South Africa, Eire and India, be hereby specified as a class of vessels within the meaning of subsection one of section one hundred and fifty-one of the Customs Act.

2. that the provisions of section one hundred and fifty-one of the Customs Act shall extend to any such vessels, hovering in Canadian Customs waters;

3. that the application of the provisions of section one hundred and fifty-one of the Customs Act to any such vessels shall be subject to the following conditions and limitations:

(*a*) the exercise of the right of innocent passage through Canadian waters or Canadian Customs waters, or transit through such waters to a Canadian port by any vessel of such class engaged in legitimate trade shall not constitute hovering;

(*b*) the powers resulting from the proclamation hereinafter provided for under section one hundred and fifty-one of the Customs Act shall not be exercised in the case of any vessels of such class exceeding five hundred tons net register, unless such vessels have been included in a list agreed upon by the Governments of Canada and of the United Kingdom, or unless such vessels were acting in a manner inconsistent with employment in legitimate trade;

(*c*) the exercise of the power to bring any such vessels exceeding five hundred net registered tons into port shall be restricted to vessels included in a list as aforesaid, or to cases in which, after examination, it has been found that the vessel has been engaged, directly or indirectly, in liquor smuggling into Canada.

And Whereas it is expedient that the above provisions shall come into operation and have effect upon, from and after the first day of August in the year of Our Lord one thousand nine hundred and thirty-eight.

Now Know Ye that We by and with the advice of Our Privy Council for Canada do by this Our Proclamation declare and direct that the said provisions shall come into operation and have effect upon, from and after the first day of August, in the year of Our Lord one thousand nine hundred and thirty-eight.

Of All Which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

In Testimony Whereof, We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed: Witness: Our Right Trusty and Well-beloved Counsellor the Honourable Lawrence Arthur Dumoulin Cannon, Judge of the Supreme Court of Canada and Administrator of the Government of Our Dominion of Canada.

At Our Government House, in Our City of Ottawa, this twenty-sixth day of July, in the year of Our Lord one thousand nine hundred and thirty-eight and in the second year of Our Reign.

By Command,

OSCAR CODERRE,
Acting Under-Secretary of State.

Customs Act—*continued*

16. Oath Forms prescribed for use on Customs entries

P.C. 3106

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of August, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS by Chapter 41 of the Statutes of Canada, 1947-48, sections 36 and 36A of the Customs Act have been repealed and sections 35 and 39 have been amended, and it is deemed necessary and desirable that certain forms authorized for use pursuant to these sections be revised to conform to the provisions of the said sections 35 and 39 as amended.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under and by virtue of the provisions of the Customs Act, Revised Statutes of Canada, 1927, Chapter 42, is pleased to order as follows:

1. Oath Form 1 and Oath Form 2 for use on Customs entries as set forth in Annex "A" hereto are hereby substituted for Oath Form 1 and Oath Form 2 presently in use for Customs entries;

2. Certificate of Value Form "M" and Declaration of Value Form "N" for use on Customs invoices as set forth in Annex "B" hereto are hereby substituted for Certificate of Value Form "M" and Declaration of Value Form "N" presently in use for Customs invoices;

3. The Minister of National Revenue is hereby authorized to permit entries to be passed for a temporary period on the use of the forms heretofore prescribed, until the revised forms are prepared and distributed.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

Annex "A"

FORM 1

DECLARATION of the owner or his agent or attorney in Canada, prescribed to be made in cases where the goods have been actually purchased for importation into Canada.

(I) Name of owner, agent or attorney.

(II) The duly authorized agent or attorney of or a member of the firm of.

(III) Is or are.

I, (I) do hereby declare as follows:—(1) That I am (II) the owner of the goods mentioned in the invoice(s) now produced by me and hereto annexed and signed by me; (2) that the said invoice(s) include(s) all of the goods mentioned in this Entry and (III) the true and only invoice(s) of all the goods imported as within stated; (3) That the said goods are properly described in the said invoice(s) and in this Entry; (4) That to the best of my knowledge and belief the said invoice(s) and every certificate and declaration thereon were made by the person or persons by whom the same purport to have been made; (5) That the said invoice(s) exhibit(s) the actual price or prices at which the said goods were actually purchased by the owner in the country whence exported to Canada and that there is included therein the true value of all cartons, cases, crates, boxes and coverings of any kind and all charges and expenses incident to placing the said goods in condition, packed ready for shipment to Canada; (6) That the value for duty of the said goods as stated in this entry exhibits the fair market value of such or the like goods when sold for home consumption in the ordinary course of trade under fully competitive conditions, in like quantity and under comparable conditions of sale at the time and place of direct shipment to Canada, or the equivalent thereof; or if such fair market value is not determinable, the value shown in this entry is not less than the cost of production of similar goods at date of shipment to Canada, plus a reasonable advance for administration, selling cost and profit, and that the said fair market value (*a*) is without any discount or deduction not shown and allowed and deducted on invoices covering sales for home consumption in the country of export in the usual course of trade; and (*b*) is without any deduction on account of any subsidy or drawback of Customs duty allowed by the Government of any other country, or on account of any royalty actually payable thereon, or payable thereon when sold for home consumption, but not payable when exported, or on account of the exportation thereof; or the amount of consideration or money value of any special arrangement between the exporter and the importer, or any persons interested therein, because of the exportation or intended exportation of such goods, or for any special consideration whatsoever; (7) That if the value for duty of the said goods as stated in this Entry is other than the value thereof as above specified such value for duty has, to the best of my knowledge and belief, been fixed and determined under the authority of the Customs Act at the value stated in said Entry; (8) That to the best of my knowledge and belief any and all goods entered on this Entry as being free of duty are lawfully entitled to free entry under the existing law, and any and all goods entered thereon at preferential tariff rates are lawfully entitled to be so entered; (9) That any and all goods mentioned in this Entry as imported for a specific purpose and therefore entered free or at a lower rate of duty than would otherwise be chargeable thereon are intended to be and will be used for such specific purpose only in the manner provided by law; (10) That nothing has been on my part, nor to my knowledge on the part of any other person, done, concealed or suppressed whereby His Majesty the King may be defrauded of any part of the duty lawfully due on the said goods; (11) That if at any time hereafter I discover any error in the said invoice or invoices, or any of them, or in this Entry, or if I receive at any time any other or different invoice of the said goods, or any part thereof, I will immediately make the same known to the Collector of this Port; and (12) That no arrangement or understanding affecting the purchase price of the said goods has been or will be made or entered into between the said importer and the exporter, or by any one on behalf of either of them other than as shown in the said invoices, either by way of discount, rebate, salary, compensation, or in any other manner whatsoever.

Signed at this day

of 19 ,

(*Signature*).....

.....*Witness.*

Customs Act—*continued*

Annex "A"

FORM 2

DECLARATION of the Consignee in Canada, or his agent or attorney, prescribed to be made in cases where the goods have been exported to Canada on consignment without sale by the Exporter prior to shipment.

(I) Name of consignee, agent or attorney.

(II) The duly authorized agent or attorney of or a member of the firm of.

(III) Is or are.

I, (I) do hereby declare as follows:—(1) That I am (II) the consignee of the goods mentioned in the invoice or invoices now produced by me and hereto annexed and signed by me; (2) That the said invoice(s) include(s) all of the goods mentioned in this Entry and (III) the true and only invoice(s) of all the goods imported as within stated; (3) That the said goods are properly described in the said invoice or invoices and in this Entry; (4) That to the best of my knowledge and belief the said invoice or invoices and every certificate and declaration thereon, or filed therewith or attached thereto were made by the person or persons by whom the same purport to have been made; (5) That there is included in said invoice or invoices the true value of all cartons, cases, crates, boxes and coverings of any kind and all charges and expenses incident to placing the said goods in condition packed ready for shipment to Canada; (6) That the value for duty of the said goods as stated in this Entry exhibits the fair market value of such or the like goods when sold for home consumption in the ordinary course of trade under fully competitive conditions, in like quantity and under comparable conditions of sale at the time and place of direct shipment to Canada, or the equivalent thereof; or if such fair market value is not determinable, the value shown in this entry is not less than the cost of production of similar goods at date of shipment to Canada, plus a reasonable advance for administration, selling cost and profit, and that the said fair market value (*a*) is without any discount or deduction not shown and allowed and deducted on invoices covering sales for home consumption in the country of export in the usual course of trade; and (*b*) is without any deduction on account of any subsidy or drawback of Customs duty allowed by the Government of any other country, or on account of any royalty actually payable thereon, or payable thereon when sold for home consumption, but not payable when exported, or on account of the exportation thereof; or the amount of consideration or money value of any special arrangement between the exporter and the importer, or any persons interested therein, because of the exportation or intended exportation of such goods, or for any special consideration whatsoever; (7) That if the value for duty of any goods as stated in this Entry is other than the value thereof as above specified such value for duty has, to the best of my knowledge and belief, been fixed and determined under the authority of the Customs Act at the value stated in said Entry; (8) That to the best of my knowledge and belief any and all goods entered on this Entry as being free of duty are lawfully entitled to free entry under the existing law, and any and all goods entered thereon at preferential tariff rates are lawfully entitled to be so entered; (9) That any and all goods mentioned in this Entry as imported for a specific purpose and therefore entered free or at a lower rate of duty than would otherwise be chargeable thereon are intended to be and will be used for such specific purpose only in the manner provided by law; (10) That nothing has been on my part nor to my knowledge on the part of any other person, done, concealed or suppressed whereby His Majesty the King may be defrauded of any part of the duty lawfully due on the said goods; (11) That if at any time hereafter I discover any error in the said invoice or invoices, or any of them, or in this Entry, or if I receive at any time any other or different invoice of the said goods or any part thereof, I will immediately make the same known to the Collector of this Port; and (12) That none of the said goods has been sold by or on behalf of

the owner and importer prior to their importation into Canada.

Signed at this day

of 19 ,

(*Signature*).....

.....*Witness.*

Customs Act—*continued*

Annex "B"

THE FOLLOWING CERTIFICATE OF VALUE is prescribed for invoices of goods sold and exported to Canada, to be signed by the exporter or by a partner, official or employee of the exporter having a knowledge of the facts certified to, and to be written, printed or stamped on the invoice:

FORM M

I, the undersigned, do hereby certify as follows:

(1) That I am the (*a*) exporter of the goods in the within invoice mentioned or described;

(*a*) Insert the word partner, manager, chief clerk or principal official, giving rank as the case may be.

(2) That the said invoice is in all respects correct and true;

(3) That the said invoice contains a true and full statement showing the price actually paid or to be paid for the said goods, the actual quantity thereof, and all charges thereon;

(4) That the said invoice also exhibits the fair market value of such or the like goods when sold for home consumption in the ordinary course of trade under fully competitive conditions, in like quantity and under comparable conditions of sale at the time and place of direct shipment to Canada, or the equivalent thereof, or where such fair market value is not determinable, the value shown is not less than the cost of production of similar goods at date of shipment to Canada plus a reasonable advance for administration, selling cost and profit, and that the said fair market value

(*a*) is without any discount or deduction not shown and allowed and deducted on invoices covering sales for home consumption in the country of export in the usual and ordinary course of trade; and

(*b*) is without any deduction on account of any subsidy or drawback of Customs duty allowed by the Government of any other country, or on account of any royalty actually payable thereon when sold for home consumption, but not payable when exported, or on account of the exportation thereof, or for any special consideration whatsoever;

(5) That no different invoice of the goods mentioned in said invoice has been or will be furnished to any one; and

(6) That no arrangement or understanding affecting the purchase price of the said goods has been or will be made or entered into between the said exporter and purchaser or by any one on behalf of either of them, either by way of discount, rebate, salary, compensation, or in any other manner whatsoever, other than as shown in the said invoice;

7. That each article on this invoice is *bona fide* the produce or manufacture of the country specified on the invoice in the column provided for that purpose.

Dated at) Signature

this day of 19) .....

Customs Act—*continued*

Annex "B"

THE FOLLOWING DECLARATION is prescribed to be made by the foreign owner or exporter or his agent in the country whence the goods are exported, in regard to goods shipped to Canada on consignment without sale by the exporter prior to shipment,—to be attested to in British countries before a Collector of Customs, Justice of the Peace, Notary Public or other official authorized to administer Oaths; and in other countries before a British or other Consul, Notary Public or other official authorized to administer Oaths:

FORM N

I, (*a*) of (*b*)
do solemnly and truly declare as follows:—

(1) That I am (*c*) the owner of the goods shipped on consignment to (*d*) at in Canada and described in the annexed invoice;

(2) That the said invoice is a complete and true invoice of all the goods included in this shipment;

(3) That the said goods are properly described in the said invoice;

(4) That there is included and specified in the said invoice the true value of all cartons, cases, crates, boxes and coverings of any kind, and all charges and expenses incident to placing the said goods in condition packed ready for shipment to Canada;

(5) That none of the said goods have been sold by or on behalf of the owner aforesaid to any person, firm or corporation in Canada;

(6) That the said invoice contains a just and faithful valuation of such goods at the fair market value of such or the like goods when sold for home consumption in the ordinary course of trade under fully competitive conditions, in like quantity and under comparable conditions of sale at the time and place of direct shipment to Canada, or the equivalent thereof, or where such fair market value is not determinable, the value shown is not less than the cost of production of similar goods at date of shipment to Canada plus a reasonable advance for administration, selling cost and profit, and that the said fair market value

(*a*) is without any discount or deduction not shown and allowed and deducted on invoices covering sales for home consumption in the country of export in the usual and ordinary course of trade; and

(*b*) is without any deduction on account of any subsidy or drawback of Customs duty allowed by the Government of any other country, or on account of any royalty actually payable thereon, when sold for home consumption, but not payable when exported, or on account of the exportation thereof, or for any special consideration whatsoever;

(*a*) Name of party subscribing to this declaration.

(*b*) City or town and country.

(*c*) A member of the firm of, giving the name of the firm when the shipment is made by a firm, or an officer, director or manager of, giving the name of the corporation, when the shipment is made by a corporation.

(*d*) Name of consignee.

Customs Act—*continued*

(7) That if the value for duty of any goods as stated in this invoice is other than the value thereof as above specified, such value for duty has, to the best of my knowledge and belief, been fixed and determined under the authority of the Customs Act at the value stated in said invoice; and

(8) That no different invoice or account thereof has been or will be furnished to any one by me or on my behalf;

(9) That each article on this invoice is *bona fide* the produce or manufacture of the country specified on the invoice in the column provided for that purpose.

Declared at.....
this day of 19 } (Signature)
before me

....

17. Drawback on ships stores, ships furnishings or equipment and reconstruction or repairs—aircraft

P.C. 215/6181

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 4th August, 1943.

The Board recommend that under the powers granted by section 286 of the Customs Act and Section 94 of the Special War Revenue Act, the following regulations governing drawback of duties and taxes, respectively, paid on imported goods delivered as ships stores for aircraft, or for ships furnishings or equipment for aircraft, or used in the manufacture thereof, and on imported goods used in the repair and reconstruction of aircraft operating internationally, be made and established to take effect on and from September 10, 1939:

Regulations Governing Drawback for Ships' Stores, Ships' Furnishings or Equipment, and Reconstruction or Repairs—Aircraft.

When consumable goods on which duties and/or taxes have been paid are delivered as ships' stores on board aircraft proceeding to a port out of Canada, for use on board thereof, there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid on the goods so delivered. Provided that the Minister of National Revenue shall define and limit the kind, quantity and class of goods which may be so delivered as ships' stores for aircraft, and that such stores or any part thereof shall not be relanded, sold or disposed of in Canada, without due entry and payment of duty and/or taxes.

When goods on which duties and/or taxes have been paid are used in the manufacture of aircraft furnishings or aircraft equipment supplied to aircraft operating internationally, or when imported aircraft furnishings or equipment are supplied to such aircraft, there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid on the aircraft furnishings and equipment so delivered or on the imported goods used in the manufacture thereof.

Customs Act—*continued*

When goods on which duties and/or taxes have been paid are used in repairing or reconstructing an aircraft operating internationally, there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid on the goods so used.

1. The applicant for drawback shall be the person who has supplied such goods to the aircraft or has done the repairs thereto or reconstruction thereof;

2. The quantities of the goods so supplied or used, and the amount of duties and/or taxes paid thereon, shall be ascertained;

3. Notice, in form prescribed by the Minister of National Revenue, of intent to claim drawback shall be filed with the Collector of Customs and Excise at the time when such goods are supplied to the aircraft;

4. Claims for drawback submitted on and after the 10th September, 1939, shall not be paid unless the Customs duties and/or taxes involved have been paid within three years of the supplying or use of the goods nor unless the claims as presented are filed within six months of the first clearance of the aircraft thereafter;

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim;

6. The following documents shall be delivered with the claim for drawback, viz:—

(*a*) A copy of the import entry showing the payment of the Customs duties and/or taxes paid on the goods so supplied or used on which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

(*b*) A certificate of importation and sale in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;

(*c*) A copy of the notice of intent to claim drawback, as required by paragraph (3).

The Minister may make such regulations as are deemed necessary for carrying out the provisions of this regulation.

N. A. ROBERTSON,
Clerk of the Privy Council.

18. Regulations *re* drawback on goods imported for use as models for designing or copying purposes

P.C. 95/8660

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 10th November, 1943.

The Board recommend that authority be granted under subsection 1(*a*) of section 286 of the Customs Act for drawback or refund of 90 per

Customs Act—*continued*

cent of the Customs duty and taxes paid on goods imported *under regulations prescribed by the Minister of National Revenue* for use as models for designing or copying purposes, on their exportation under Customs supervision within the time limit specified in the Minister's regulations, provided that the claim for drawback or refund is filed with the Collector of Customs and Excise at the port of entry within three months after the date when the export entry was passed.

N. A. ROBERTSON,
Clerk of the Privy Council.

WOMEN'S GARMENTS AND HATS AND MODELS THEREOF

(D No. 61 Third Revision)

10th July 1944.

Women's garments and hats and models thereof, imported by manufacturers in Canada of such garments and hats for designing and copying purposes, are subject to Customs duty and Excise taxes, which must be paid thereon in the regular manner at the time of entry for consumption, based on the fair market value thereof as established under the Customs Act.

The importers, the said manufacturers, may, however, obtain a refund of 90 per cent of the Customs duty and Excise taxes paid on such importations, subject to the following regulations prescribed by the Minister:—

Regulations

1. The following notation shall be made on the face of the Customs entry:—

"The women's garments and/or hats and/or models thereof covered by this entry, are imported and will be used for designing and/or copying purposes only in our factory located at.....
Address
in..... .....
Name of Place Signature"

2. Each garment or hat shall be marked for identification purposes before it is delivered to the importer, and the marking shall be done by means of a tag bearing a sufficient description of the article, which is to be attached to the garment, hat or model thereof by a cord and lead seal, duly closed by the proper officer by means of a seal closing and marking press.

3. The cord and lead seal and tag, as aforesaid, shall be as approved by the Department and supplied by the importer; and the seal closing and marking press shall be supplied by the Department and kept at all times in the custody of the Customs.

4. Each individual garment or hat shall be marked and sealed, and placing of the seal on the article shall be done under the supervision of the proper Customs officer, who shall personally press the seal.

5. Examination and appraisal shall, in all cases, be by an Appraiser or Assistant Appraiser in the Dry Goods Division, in the Express Branch, or in the Postal Parcels Branch, and in the event of the goods arriving by baggage, such baggage shall be transported by Customs bonded carter to the Examining Warehouse for attention.

Customs Act—*continued*

6. The goods shall be entered for exportation, either by the importer or by a second party to whom they have been sold conditional on exportation without being used by him in Canada for any purpose whatsoever, within six months of the date of the import entry, and prior to entry for exportation the goods shall be delivered to the Customs for examination, and shall be identified and the seals removed by an Appraiser or Assistant Appraiser, and the goods shall thereafter remain under Customs control until actually exported.

7. Only one claim for refund may be submitted in connection with any import entry and must be filed at the port of entry within three months after the date when the export entry was passed, and the claimant for refund, who must be the importer, shall submit with the refund claim certified copies of the import entry, and the export entry bearing the certificate of identification. In the case of shipments by freight or express, a copy of the waybill or bill of lading, signed by the agent of the transportation company, must also be supplied, and in the case of shipments by mail a postal receipt or certificate by the Customs officer by whom or in whose presence the parcel was mailed is necessary.

8. In the event that it is found by any Customs officer that the goods, or any of them, entered under this regulation are being, or have been, used for any purpose other than provided herein, an Appraiser or Assistant Appraiser, on being satisfied that such is the case, shall forthwith remove the identification tags and seals, and forward them to the Collector at the port of entry, accompanied by a report outlining the circumstances, and listing the garments and/or hats from which the tags have been removed, and no refund claim with respect thereto shall be approved by the Collector.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

19. Drawback on goods for home consumption

P.C. 80/3440

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by His Excellency the Governor General in Council, on the 9th May, 1944.

The Board recommend that, under the powers granted by section 12 of the Customs Tariff and section 284 (*l*) of the Customs Act, the following regulations concerning drawback of Customs duties paid on goods imported into Canada and used for home consumption be made and established to take effect on and from April 1, 1944, superseding as of that date regulations made by Order in Council P.C. 30/185, dated January 28, 1937.

General Regulations Concerning Drawback for Home Consumption

When imported materials and/or articles on which Customs duties have been paid are used for the purpose specified, there may, subject to the following conditions, be allowed the several rates of drawback of Customs duties (not including special duty or dumping duty) set opposite each item in Schedule "B" of the Customs Tariff, or the stated rates of drawback authorized by Orders in Council, viz.:

1. The whole of the drawback for home consumption shall be paid to:

(*a*) The manufacturer or producer of the goods in which materials and/or articles subject to drawback are used; or

Customs Act—*continued*

(*b*) The manufacturer or producer of a part or parts, who sells to the manufacturer or producer to manufacture goods specified as subject to drawback;

2. The quantities of materials or articles used and the amount of Customs duties paid thereon shall be ascertained;

3. Satisfactory evidence shall be furnished of the manufacture or use of the goods in respect of which drawback is claimed;

4. Claims for drawback submitted on and after April 1, 1944, shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto and shall not be paid unless the Customs duties involved have been paid on the goods within three years of the date of filing the claim, nor unless the claims as presented at any one time aggregate ten dollars or over;

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim. Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part;

6. Whenever it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products, the drawback otherwise payable in respect of such imported goods shall be reduced by a sum proportionate to the value of such by-products; that is to say, by a percentage equivalent to the percentage value of the by-products in relation to the total value of the goods manufactured or produced, excepting that drawback claims filed in respect of such imported goods shall be reduced by a sum proportionate the full quantity of coal processed and represented in the coke covered by the drawback claim, without deduction for merchantable by-products or waste; and

Whenever it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, drawback otherwise payable shall be reduced by a sum, representing duties and/or taxes, to be arrived at by applying to the Canadian sales value of the merchantable waste or scrap, the prevailing rates of duties and/or taxes, if any, on merchantable waste or scrap of the same kind, if imported as such; provided the prevailing rates of duties and/or taxes, if any, on the merchantable waste or scrap are not in excess of the rates of duties and/or taxes applicable to the prime imported goods. If the prevailing rates for the merchantable waste or scrap, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duties and/or taxes applicable to the prime imported goods shall be used;

Customs Act—*continued*

7. The following documents shall be delivered with the claim for drawback, viz.:

(*a*) A copy of the import entry showing the payment of the Customs duties on the materials or articles in respect of which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

(*b*) A certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;

(*c*) When the claimant is claiming under Regulation 1 (*b*) above, a statement in the form prescribed by the Minister, of imported materials and/or articles supplied to the manufacturer or producer.

N. A. ROBERTSON,
Clerk of the Privy Council.

20. General regulations governing export drawback

P.C. 81/3440

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by His Excellency the Governor General in Council, on the 9th May, 1944.

The Board recommend that, under the provisions of sections 286, 287 and 288 of the Customs Act, and section 105 of the Special War Revenue Act, the following regulations governing drawback of duties and of taxes on materials used, wrought into, attached to or directly consumed in any articles manufactured or produced in Canada and exported therefrom, be made and established to take effect on and from April 1, 1944, superseding as of that date regulations made by Order in Council P.C. 29/185 of January 28, 1937.

General Regulations Governing Export Drawback

When goods on which duties and/or taxes have been paid are used or directly consumed in, wrought into or attached to any articles manufactured or produced in Canada and exported therefrom, there may, subject to the following conditions, be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid thereon; or

When imported materials and/or materials of domestic manufacture or production of the same class are used in Canadian manufactured goods exported, there may be allowed a drawback of ninety-nine per cent of the duties and/or taxes paid on the imported materials, in quantity sufficient to produce the exported goods, provided it be established that the imported goods upon which drawback is claimed were, during the period of manufacture covered by the claim, used in the plant producing the exported goods in producing similar goods not necessarily exported:—

1. Except as may be otherwise provided by Order of the Governor in Council, the whole of the drawback shall be paid to the manufacturer or producer or exporter of the goods as exported;

Customs Act—*continued*

2. The quantities of the goods used and the amount of duties and/or taxes paid thereon shall be ascertained;

3. Satisfactory evidence shall be furnished in respect of the manufacture or production of the articles in Canada and exportation therefrom;

4. Claims for drawback submitted on and after April 1, 1944, shall not cover goods exported for a period of more than twelve consecutive months and must be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto within a period of six months from the date of the last export entry covered by the claim. Such drawback claims shall not be paid unless the duties and/or taxes have been paid on the goods so used as aforesaid within three years of the date of the exportation of the Canadian article, nor unless the claims as presented at any one time aggregate ten dollars or over;

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim. Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part;

6. Upon the exportation of any article entitled to drawback, export entries, in triplicate, in the usual form (with the words "subject to Drawback" marked on the face), shall be filed with the Collector at the port of exit from Canada, naming the conveyance by which and the country or place to which the goods are to be exported and fully describing the kind and quantity thereof and also the marks and numbers on the packages;

NOTE.—In the case of L.C.L. shipments, as it is not possible for the exporter to state on the export entry the number of the car in which his shipment will be carried, this information must be noted on all copies of the relative export entry by the Customs Officer at the port of exit.

Export entries relating to shipments forwarded and exported by truck are to be endorsed "exported by truck" at the frontier port of exit.

In the case of export shipments which upon arrival at the frontier port of exit go forward by vessel, the number of the outward report of the vessel must be noted on all copies of the relative export entry.

7. Drawback is not payable in respect of Customs penalties imposed on imported materials nor when the article exported is subject to a bounty to be paid by the Dominion Government on such article when made in Canada;

8. Whenever it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products retained in Canada, the drawback otherwise payable on the export of such goods (or in respect of

Customs Act—*continued*

materials used in, wrought into, or attached to such goods, or materials consumed in the manufacture or production of such goods) shall be reduced by a sum proportionate to the value of such by-products; that is to say, by a percentage equivalent to the percentage value of the by-products in relation to the total value of the goods manufactured or produced; and

Whenever it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, not exported, drawback otherwise payable shall be reduced by a sum to be arrived at by applying to the Canadian sales value of the merchantable waste or scrap, the prevailing rates of duty and/or taxes, if any, on merchantable waste or scrap of the same kind, if imported as such; provided the prevailing rates of duties and/or taxes, if any, on the merchantable waste or scrap are not in excess of the rates of duties and/or taxes applicable to the prime imported goods. If the prevailing rates for the merchantable waste or scrap, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duties and/or taxes applicable to the prime imported goods shall be used;

9. The following documents shall be delivered with the claim for drawback, viz:—

(*a*) A copy of the import entry showing the payment of the duties and/or taxes on the goods used in the articles on which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry. If the tax for which drawback is claimed was paid on a domestic sale, the original invoice or a certified true copy thereof, representing such domestic sale, showing thereon the amount of tax paid and the number and date of the excise entry in which was included the amount of such tax paid to a Collector, shall be furnished. Should the domestic invoice, however, have been furnished with a previous claim for drawback, it will be sufficient to "refer" to such and indicate the drawback claim to which it was attached;

(*b*) A certified true copy of the export invoice;

(*c*) A copy of the export entry, duly numbered and certified a true copy by the Collector at the port of exit where the articles were entered for exportation from Canada;

(*d*) A certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;

(*e*) A certificate of sale for exportation, in form prescribed by the Minister, when the claimant is the manufacturer or producer but not the exporter or is the exporter but not the manufacturer or producer.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

21. Regulations governing the warehousing of imported goods

P.C. 89/692

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 1st March, 1946.

The Board recommend that, under and by virtue of the authority granted by sections 284 (*g*), (*h*) and (*s*) and 289 of the Customs Act, the following Orders in Council establishing regulations governing the warehousing of imported goods, dated 23rd October, 1868, (P.C. 898); 14th June, 1875, (P.C. 597); 12th January, 1883, (P.C. 15/51); 9th September, 1898, (P.C. 2091); 22nd May, 1900, (P.C. 1281); 26th July, 1905, (P.C. 7/1491); 27th December, 1917, (P.C. 9/3485); 17th February, 1930, (P.C. 238/383); 11th August, 1931, (P.C. 151/1875); 8th July, 1935, (P.C. 187/1881); 31st July, 1937, (P.C. 50/1827); 11th September, 1940, (P.C. 47/4640); 2nd December, 1942, (P.C. 103/10933); 13th August, 1943 (P.C. 72/6395); be cancelled, and that the attached regulations be established in lieu thereof, effective April 1, 1946.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Warehouse Regulations

Warehouses for the storage of imported goods shall be known as Customs Warehouses and shall be governed by the following regulations:—

1. Class 1. Premises Occupied by the Government of Canada.

Warehouses of Class 1 are of two kinds:—

(*a*) Examining Warehouses for examination and appraisal of imported goods, and

(*b*) King's Warehouses for storage of unclaimed, abandoned, seized or forfeited goods.

Where no premises are available for use as a King's Warehouse the Collector may make temporary arrangements for the storage of such goods in Customs premises or, under authority of the Department, deposit such goods in any Warehouse Class 3.

Storage charges and fees in a Class 1 Warehouse shall be determined by the Minister.

2. Class 2. Warehouses Exclusively for Storage of Imported Goods Consigned to or Purchased by the Proprietor.

A Warehouse of Class 2 shall be exclusively for the storage of imported goods, consigned to or purchased by the proprietor, and shall consist of an entire building, or part of a building entirely separated from the rest of the building by suitable partitions or walls.

3. Class 3. Warehouses for General Storage of Imported Goods.

(*a*) A Warehouse of Class 3 shall be for the storage of imported goods consigned to or purchased by the proprietor or others, or for the storage of unclaimed or seized goods ordered thereto by the Collector. It shall consist of an entire building or part of a building entirely separated from the rest of the building by suitable partitions or walls.

Customs Act—*continued*

(*b*) The Department shall not be responsible for the rates of storage, compensation for labour or any other charges relating to goods stored therein, or for the collection thereof, these being a matter of agreement between the importer or the owner of the goods and the proprietor of the warehouse.

(*c*) Should the Collector require to deposit unclaimed, abandoned, seized or forfeited goods in any such warehouse, the charges for storage and labour shall not exceed the regular rates, and the proprietor shall be liable as in other cases for safe-keeping.

4. Class 4. Sufferance Wharves and Warehouses Used Exclusively for the Storage and Safe-Keeping of Imported Goods Before Entry at Customs.

Sufferance Warehouses may be established exclusively for the storage and safe-keeping of imported goods before entry at Customs, as follows:

(a) *Sufferance Warehouses operated by owners of vessels for the storage of in-bond goods transported by water or air.*

The owner, master or authorized agent of any aircraft or water borne vessel engaged in regular trade may make application in writing to the Department through the Collector for the establishment of a sufferance wharf or warehouse, furnishing all necessary details with respect to vessels (including aircraft), the ports or places at which they call, and the premises in which it is proposed to store imported or in-bond merchandise. Before such application is granted, the applicant shall execute a bond to the Crown, jointly with a guarantee company whose bonds are acceptable to the Dominion Government, in such penal sum as the Minister may determine, but not less than $5,000.00. Upon the approval of the bond by the Department, the Collector is authorized to grant a warrant to the owner, master or other authorized agent of the vessel or vessels to land cargo without previous Customs entry and store it on the wharf or in the building so declared to be a sufferance wharf or warehouse.

(*b*) *Sufferance Warehouses operated by railway companies.*

Every railway company operating in Canada authorized to manifest goods shall execute a bond in such penal sum as the Minister may determine and shall provide secure and commodious sufferance warehouses, and other necessary premises, in connection with its stations at every Customs port or outport, for landing, storing, transferring, delivering and forwarding bonded goods. All such sufferance warehouses shall be made secure to the satisfaction of the Collector or other proper officer of Customs, and shall be subject to all the rules for safe-keeping of merchandise stored therein, as provided in the case of Warehouses of any other class.

(*c*) *Sufferance Warehouses operated by express companies.*

Every express company authorized to transport goods in bond shall execute a bond in such penal sum as the Minister may determine and provide secure and sufficient sufferance warehouses at the Customs port of delivery for the storage of goods so carried in bond by express, pending clearance at Customs.

The sufferance warehouses in which in-bond goods carried by express are held for storage shall be subject to approval of the Department.

The scale of storage charges on in-bond goods transported by express held in sufferance warehouse shall be subject to approval of the Minister.

Customs Act—*continued*

The charges to be paid to the Department for space in the Customs Express Branch or Customs Examining Warehouse, allotted to express companies for use in the storage of in-bond goods transported by express shall be determined from time to time by the Minister.

(*d*) *Sufferance warehouses operated by parties other than those described in Sub-sections* (*a*), (*b*) *and* (*c*) *of this Section for the storage of in-bond goods transported by rail, water or air.*

Any other person or group of persons other than those described in Sub-sections (*a*), (*b*) and (*c*) of this section, may make application in writing, in duplicate, to the Department through the Collector for the establishment of a sufferance warehouse for the storage of in-bond goods transported by rail, water or air, furnishing details with respect to the method of transportation and the building, or other premises, which it is proposed to use for storage of imported or in-bond merchandise. Before such application is granted, the applicant shall execute a bond to the Crown, jointly with a guarantee company whose bonds are acceptable to the Dominion Government, in such penal sum as the Minister may determine, but not less than $5,000. Upon the approval of the bond by the Department, the Collector will be authorized to grant a warrant to the applicant to store imported or in-bond goods in the building, or other premises, so declared to be a sufferance warehouse, without previous entry.

In the case of sufferance warehouses provided on the premises of the National Harbours Board or on any dock owned or operated by the Dominion Government as a sufferance warehouse, the provisions for a bond in this Sub-section shall not apply.

5. Class 5. Warehouses for Imported Coal or Coke

(*a*) The yards, sheds, or other buildings which importers intend to use for the storage of imported coal or coke may be designated as warehouses, and coal or coke may be entered for warehouse and stored therein without immediate payment of duty, and may be entered ex-warehouse for consumption, removal or exportation, in the same manner and in like conditions as is provided by law for the warehousing of any other goods, except as hereinafter provided.

(*b*) For a warehouse of Class 5 for the storage of imported coal or coke the importer shall make application to the Collector of the Port, describing the premises and location and capacity, which application may be granted if the owner has, jointly with a guarantee company whose bonds are acceptable to the Dominion Government, entered into a bond to His Majesty terminable on the first day of May next ensuing, for an amount equal to fifty per cent of the sum of the estimated duty on the maximum amount of coal or coke which will be in warehouse at any one time during the period of the bond, such bond to be conditioned on due payment of duty on, or exportation of, the whole quantity so warehoused, prior to the said first day of May then next ensuing, provided, however, that the amount of the bond to be furnished by the importer shall not exceed $250,000, in respect of any one bonded warehouse established under this regulation.

(*c*) The importer of coal or coke so warehoused shall make entry once a week of the quantity sold, removed or exported, and the whole quantity warehoused shall be so entered prior to the first day of May then next following the date of the warehousing as aforesaid, and prior to the termina-

Customs Act—*continued*

tion of the said bond as above provided subject to all penalties, fines and forfeitures provided by the Customs Act, for frauds connected with warehousing and warehoused goods.

(*d*) The owner of each Customs warehouse of Class 5 upon his application being granted, shall pay to the Collector a fee of $50 covering the period ending the first day of May next, and the same amount shall be paid annually on that date, provided that in the case of an application for the establishment of a warehouse by a person who has not theretofore operated a warehouse, or who is beginning business in another port, such application, if applied for on or after the first day of November, may, in the absence of any specific provisions to the contrary, be granted for the remainder of the fiscal year, upon payment of one-half of the fee otherwise payable. This provision shall come into effect on May 1, 1946.

6. Class 6. Warehousing for Imported Horses or Sheep for Feeding or Pasturage

(*a*) The farms, yards, sheds or other buildings which the importer intends to use for the feeding or pasturage of imported horses or sheep may be designated as warehouses, and horses or sheep for feeding or pasturage may be entered for warehouse and kept there, without payment of duty, and may be entered ex-warehouse for consumption, removal or exportation, in the same manner and under like conditions as is provided by law for the warehousing of any other goods, except as hereinafter provided.

(*b*) The proprietor of a warehouse of this class shall pay to the Collector for the privilege granted him for the use of such warehouse for imported horses, either the sum of twenty dollars per annum payable half-yearly in advance, or a fee of one dollar for each horse on entry for warehouse.

(*c*) The proprietor of a warehouse of this class shall pay to the Collector for the privilege granted him for the use of such warehouse for imported sheep, either the sum of ten dollars per annum payable half-yearly in advance, or a fee of fifty cents for each sheep on entry for warehouse.

(*d*) Every proprietor of a warehouse of this class shall execute a bond in the sum of not less than $500. and not exceeding $5,000. jointly with a guarantee company whose bonds are acceptable to the Dominion Government, the surety to be conditional on due entry for export or for home consumption within the time prescribed by these regulations.

(*e*) None of the horses or sheep so warehoused shall be used for any purpose whatever other than that of feeding or pasturage, and such purpose shall be distinctly stated on the face of the entry for warehouse in the following form, viz:—

The animals described herein are imported for.....
.....purposes only, the *bona fide*
(Feeding or Pasturage)
Owner being.....
(Name)
resident in.....
(Place)
Declared before me at this day of 19..,
(Signature).....
(Owner or Warehouse Proprietor)
.....
Collector

Customs Act—*continued*

NOTE:—The restriction as to use shall not apply, however, in the case of the feeding and pasturage of pure bred mares brought into Canada to be bred to Canadian stallions when such mares would be entitled to entry under Tariff Item No. 1 free for the improvement of stock.

(*f*) Horses entered for warehouse under these regulations shall be entered ex-warehouse for export or for home consumption within nine months of the date of importation except horses provided for in paragraph (*h*) imported for racing or exhibition which shall be entered ex-warehouse within six months of the date of transfer to feeding and pasturage bond, provided that horses which have been entered for warehouse under these regulations and ex-warehoused may not be entered the second time for racing, exhibition, feeding or pasturage until three full months have elapsed from the time such ex-warehouse entry was passed; and sheep entered for warehouse under these regulations shall be entered ex-warehouse for export or for home consumption within twelve months of the date of importation.

(*g*) In default of the due observance of any of these regulations or of any of the relevant provisions of the Customs Act relating to the warehousing of goods, the animals so warehoused shall be subject to seizure and forfeiture.

(*h*) Horses imported for racing or exhibition under Form B18 may be permitted to be transferred to entry for warehouse for feeding and pasturage purposes under bonds provided for that purpose but horses under feeding or pasturage bonds may not be transferred to race tracks or exhibitions under entry Form B18.

7. CLASS 7. WAREHOUSES FOR ANIMALS AND ARTICLES FOR EXHIBITION

A warehouse of Class 7 shall be for the storage of animals and articles for exhibition or for competition for prizes, including horses for racing.

8. CLASS 8. WAREHOUSES FOR CLOVER SEED IMPORTED INTO CANADA FOR THE PURPOSE OF BEING RE-CLEANED AND PREPARED FOR A FOREIGN MARKET

(*a*) Certain buildings set apart for the purpose of cleaning clover seed imported into Canada for such purpose before being exported to a foreign market, but not for purpose of sale for consumption in Canada, may, on approval of the Minister, be accepted as warehouses, and such imported clover seed may be entered for warehouse and stored and cleaned therein without payment of duty, in the same manner and under like conditions for ex-warehousing for exportation, as is provided by law for the warehousing of any other goods, except as hereinafter provided.

(*b*) The importer of clover seed desiring to warehouse such seed for the purpose of re-cleaning before exportation as above provided, shall, before being permitted to do so, give a bond terminable on the first day of May then next ensuing, for an amount sufficient to cover double the amount of the duty accruing on all such seed so warehoused; such bond to be executed by himself and two persons in good standing as sureties acceptable to the Collector at the port at which it is proposed to warehouse such clover seed, and conditioned on the due payment of the duty and taxes on or before the first day of May then next ensuing in the event of the non-exportation of the whole quantity so warehoused prior to the said date.

(*c*) On the exportation of the whole of the cleaned product of such warehoused seed, an allowance may be made for the actual waste in the

Customs Act—*continued*

process of cleaning, not, however, to exceed five per cent of the quantity originally warehoused, and such allowance shall be written off the warehouse books by compensating entry, and duty shall be paid on any quantity in excess of the quantity exported plus the quantity written off.

9. Class 9. Warehousing of Imported Goods too Heavy or too Bulky to be Admitted to Bonded Warehouse of Class 2 or 3

The yards, sheds or other premises which importers intend to use for the storage of goods too heavy or too bulky to be admitted to an established Customs warehouse may be designated as warehouses, and merchandise may be entered for warehouse and stored therein without immediate payment of duty, and may be entered ex-warehouse for consumption, removal or exportation, in the same manner and in like conditions as is provided by law for the warehousing of any other goods.

10. Applications for Establishment of Warehouses of Class 2, 3 or 9

(*a*) For a warehouse of Class 2, 3 or 9 the owner shall make application in writing to the Collector of the Port describing the premises and location and capacity, stating the purpose for which the premises are to be used, whether for storage of goods imported by or consigned to himself exclusively, or for general storage of goods in bond; which application may be granted if the owner has, jointly with a guarantee company whose bonds are acceptable to the Dominion Government, entered into a bond to His Majesty terminable on the first day of April next ensuing, for an amount equal to the sum to which it is estimated the duty and taxes on the average quantity of goods in the warehouse will amount, but not less than $5,000.00; provided that if the applicant is any Board, Commission, or any other Government agency which by the law of any Province of Canada is vested with the right of selling or authorizing the sale of intoxicating liquor, the security hereby required may be by a bond of such Board, Commission, or any other Government agency, without sureties.

(*b*) Such bond shall be conditioned for payment of all duties and taxes and all penalties to which the owners of any goods warehoused therein, or the owner of any such warehouse, may become liable by law.

(*c*) Whenever the duties on the goods warehoused in such warehouse exceed the amount for which the bond is taken, a new bond shall be taken for a sum sufficient to cover the increased amount of duties and taxes.

(*d*) The owner of each Customs warehouse of Class 2, 3 or 9 upon his application being granted, shall pay to the Collector a fee of $50.00 covering the period ending the first day of April next and the same amount shall be paid annually on that date, provided that in the case of an application for the establishment of a warehouse by a person who has not theretofore operated a warehouse, or who is beginning business in another port, such application, if applied for on or after the first day of October, may, in the absence of any specific provisions to the contrary, be granted for the remainder of the fiscal year, upon payment of one-half only of the fee otherwise payable.

(*e*) Only goods which have not been entered for consumption may be stored in such warehouse; and all goods when entered ex-warehouse for consumption, removal or exportation, shall immediately be removed therefrom unless permission to the contrary is first obtained from the Collector

Customs Act—*continued*

upon application made to him in writing, specifying the goods and the time for which it is desired they remain, and in such case the goods shall be legibly and conspicuously marked and set apart from other goods in the warehouse; but no such privilege shall be granted except for good and urgent reasons.

11. Warehouse Designations

Over the principal entrance to every Customs warehouse of Class 1, 2 or 3 there shall be placed the following inscription, in legible characters, painted in oil colours not less than three inches in height, to which should be added the port number assigned thereto:

G. R.
CANADA CUSTOMS
BONDED WAREHOUSE
No.....

12. Warehouse Fees

(*a*) The owner of each Customs warehouse of Class 2, 3 or 9, upon his application being granted, shall pay, in addition to the fee named in Sub-section (*d*) of Section 10 of these regulations, sufficient sums of money to cover the expenses incurred by the Department for effective supervision. The supervision fee shall be at the rate of $1.00 per hour. No visit shall constitute less than one hour; fractions of an hour being counted as whole hours. The Minister may at his discretion prescribe an additional supervision fee for services outside of regular office hours.

(*b*) The charges shall be payable at the end of each month and shall be determined by the Collector from the officer's diary, the amount collected to be accounted for through the Sundry Collections Cash Book.

(*c*) If during the currency of an entire calendar month the services of the officer are not required, no charge for services will be made.

(*d*) When any person, company, commission or board operates more than one Customs Warehouse in the same port only one charge shall be made for officers' services to cover the aggregate hours of attendance.

13. General Regulations

(*a*) Buildings or parts of buildings established as bonded warehouses of Class 2 or 3 shall be of such construction as in the judgment of the Collector or other designated officer will adequately ensure the security of any goods stored therein, and it shall be the duty of the Collector or other designated officer to see that all floors, ceilings, walls and partitions of such premises are maintained in such good repair as to ensure, solely for the proper protection of the revenue, the safe custody of the goods stored therein.

(*b*) Before any material change is made in or affecting a bonded warehouse, details thereof shall be submitted to the Department for approval. No minor changes in or affecting a bonded warehouse shall be made without the Collector's permission.

Customs Act—*continued*

(*c*) In respect of all warehouses established under the provisions of these regulations, the proprietor when required by the Department shall provide suitable office accommodation with fuel and light for the officers of Customs appointed to attend such warehouse.

(*d*) When fire breaks out in a Customs warehouse, Crown locks or seals may be broken by members of the Fire Department to control the fire, provided that the Collector of Customs and Excise is notified immediately to enable him to protect the revenue by ensuring that no bonded goods have been removed and to again place the warehouse under Crown lock as soon as practicable.

(*e*) In the event of fire or other casualty destroying or damaging a Customs warehouse or its contents, the Collector shall see that immediate and proper steps are taken by the proprietor to secure the goods in bond, and shall forthwith report the circumstances, with full particulars, to the Department. Similar action shall be taken in cases of illegal entering or plundering.

(*f*) Warehouses of Classes 1, 2 and 3 shall be secured by Customs locks provided by the Department to prevent unauthorized entry. This shall not prevent the proprietors or occupants of the building from having their own locks on the same doors in addition to the Customs locks, subject to the provisions of the Customs Act.

(*g*) The privilege of operating a Customs warehouse may be terminated by the Minister for reasonable cause, and such warehouse may only be re-established upon renewed application as in the first instance.

(*h*) All bonds, documents and papers necessary for the purpose of these regulations shall be in the form prescribed by the Minister. Bonds shall be executed in triplicate and shall be submitted to the Department for approval.

(*i*) Entry of intoxicating beverages in Customs warehouses of Classes 2 and 3 shall not be permitted, unless consigned to His Majesty in the right of the Government of any Province of Canada into which it is being imported, sent, taken or transported, or any Board, Commission, officer or other governmental agency which, by the law of the province, is vested with the right of selling intoxicating liquor. To this prohibition there are the following exceptions, viz.:

(1) Transportation into and through a province by common carrier by water or railway;

(2) Importation by licensed distiller or brewer for blending purposes only;

(3) Importations for sacramental or medicinal purposes or for manufacturing or commercial purposes other than for manufacture or use thereof as a beverage, which may be entered for warehouse under regulations by the Minister.

(*j*) The time for clearing wines and spirits entered in Customs warehouse and remaining there two years, may be extended by the Minister for a further period not exceeding three years, if duty is paid and entry made for any deficiency found in the contents of the packages as originally warehoused.

(*k*) The time for clearing imported raw leaf tobacco in Customs warehouse and remaining there two years may be extended by the Minister for a further period not exceeding three years.

Customs Act—*continued*

(*l*) The proprietor of a Customs warehouse in which imported raw leaf tobacco is stored may be permitted to pass entry on the 10th, 20th and the last day of each month for the total quantity removed therefrom since the last entry, and he may be permitted to ex-warehouse imported foreign raw leaf tobacco in such quantities as may be required by him from time to time for manufacturing purposes.

(*m*) If, after deducting the quantities on ex-warehouse entries from the quantity originally entered for warehouse, a deficiency is found in the quantity remaining in warehouse, duty and taxes on such deficiency shall be accounted for by Customs entry before entry ex-warehouse may be accepted in respect of such remaining goods.

(*n*) When so required by the Minister, a certificate or proof in writing that goods exported from a Customs warehouse have been landed or delivered at the place for which they are entered outwards shall be signed by such person as the Minister may designate, and such certificate or proof shall, within the time prescribed, be produced to the Collector at the port where the goods are entered outwards.

In respect of any goods or class of goods exported from a Customs warehouse, the Minister may require a bond with sufficient security, for the landing and delivery thereof at the place for which they are entered outwards.

(*o*) When permission is granted by the Collector to repack goods entered for warehouse into a stated number of packages, the original entry number under which such goods were entered for warehouse is to be marked in a clear and legible manner upon each separate repacked package and such goods are to be repacked in the Customs warehouse in which they were entered for warehouse, in the presence of a Customs locker and at the expense of the owner.

(*p*) Goods are required to be stored in Customs warehouses so that the number of packages with the entry number, under which they were stored, marked on them in a legible manner, may be easily seen. Goods warehoused under different entry numbers are to be piled in distinct and separate piles, so that the contents of a Customs warehouse may be easily checked.

22. Regulations regarding the importation into Canada of firearms and dangerous and offensive weapons

P.C. 2220

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 4th day of June, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS section 122 of the Customs Act, being chapter 42 of the Revised Statutes of Canada, 1927, provided that "firearms and munitions of war shall not be imported, unless upon application to, and permission given by the Minister";

Customs Act—*continued*

And Whereas this section was repealed by section 5 of chapter 24 of the Statutes of 1937 and replaced by section 290 as enacted by section 10 of chapter 24 of the Statutes of 1937 which provides that the Governor in Council may, from time to time, "(*c*) prohibit, restrict or control the importation of arms . . . ";

And Whereas by Order in Council P.C. 4885, dated 10th July, 1945, as amended by Order in Council P.C. 382, dated 5th February, 1946, the importation of automatic firearms or any parts thereof is prohibited;

And Whereas during the period of the recent war the control exercised was on a wartime and not a civilian basis, and with the cessation of hostilities it is now necessary to provide for or reinstate the import control over firearms for civilian use;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under sub-section (*c*) of section 290 of the Customs Act, is pleased to order that the importation into Canada of firearms and all other types of dangerous and offensive weapons, with the exception of rifles and shotguns for sporting purposes, including those of the auto-loading type, be and it is hereby prohibited, except under regulations established by the Minister of National Revenue.

N. A. ROBERTSON,
Clerk of the Privy Council.

Consolidated Departmental Regulations Governing the Importation of Firearms and Dangerous and Offensive Weapons

(D No. 26 Revised)

June 6, 1946.

1. No Import Permit from the Department is required for shotguns or rifles (regular or auto-loading type) imported for sporting use. Fully automatic rifles, military type rifles and cheap rifles are not included in this authority for release without permit and are dealt with in Regulation 2 below.

2. Import Permit from the Department is required for all types of firearms, dangerous and offensive weapons, imported other than for sporting purposes. Machine guns, sub-machine guns, fully automatic rifles, machine carbines, military type rifles, cheap rifles, revolvers and pistols (whether fully automatic, semi-automatic, auto-loading or not) may not be released by Collectors without notice of issuance of Customs Import Permit having been received. This regulation includes revolvers, fully automatic, semi-automatic or auto-loading pistols, which tourists or visitors may desire to import for a temporary period. However, firearms sent out of Canada for repairs under Departmental Regulations, and returned, may be released without Customs Import Permit where the *bona fides* of the importers have been established.

Customs Act—*continued*

NOTE: (*a*) It should be observed that there is no objection to the release of auto-loading shotguns and rifles for sporting use without Import Permit, but auto-loading pistols are definitely subject to Import Permit requirements.

(*b*) AN AUTO-LOADING firearm is defined as follows: "A firearm which fires and reloads on a single pull of the trigger so that the weapon is ready to be fired with the next pull of the trigger."

(*c*) A FULLY-AUTOMATIC firearm is described as follows: "A firearm which will empty the magazine with one continuous pressure of the trigger."

(*d*) So-called toy pistols, capable of discharging bullets, are to be classed as firearms, as referred to in Regulation 2, and not toys. However, air rifles and air pistols are NOT regarded as firearms.

3. Revolvers, pistols, or other concealable weapons may not be transported in bond, by motor vehicle, over the highway from one point in the United States to another point therein through Canada. They may, however, be forwarded in bond under manifest by railway, if so desired.

4. Non-British subjects importing firearms of any type, must be warned by Collectors that they cannot legally POSSESS any firearm in Canada except upon permit issued under the provisions of the Criminal Code by the local police authorities. In addition, all persons, including British subjects, when importing revolvers, pistols, or other concealable weapons, must be warned by Collectors that they must immediately register the same with the local police.

5. Delivery of such firearms and concealable weapons by Customs need not be withheld, since it is the responsibility of the importer to obtain the police permit or permits as required. However, the warning should in all cases be given.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

23. Drawback on goods imported into Canada and exported therefrom

P.C. 125/4317

Certified to be a true copy of a Minute of a Meeting of the Treasury Board approved by His Excellency the Governor General in Council, on the 18th October, 1946.

The Board recommend that, under the powers granted by section 286 of the Customs Act and section 105 of the Special War Revenue Act, the following regulation governing the payment of a drawback of duties and of taxes, paid on goods imported into Canada and thereafter exported, be made and established to take effect on and from September 1, 1946, and superseding as of midnight, August 31, 1946, regulations made by Order in Council P.C. 28/185, dated January 28, 1937:—

Customs Act—*continued*

Drawback

GOODS IMPORTED INTO CANADA AND EXPORTED THEREFROM

When imported goods on which Customs and Excise Duties and Taxes have been paid are exported from Canada, there may, subject to the following conditions be allowed a drawback of 99 per centum of the duties and taxes paid thereon;

1. The drawback shall be paid to the exporter of the goods;

2. Whole packages of goods as imported may be broken and part only thereof exported, but no use shall have been made in Canada of the goods exported;

3. The quantity and identification of such goods imported and exported and the amount of duties and/or taxes paid thereon shall be ascertained;

4. Claims for drawback submitted on and after September 1, 1946, shall not cover goods exported for a period of more than twelve consecutive months and must be filed with the Collector and complete evidence attached thereto within a period of six months from the date of the last export entry covered by the claim. Such drawback claims shall not be paid unless the duties and/or taxes have been paid on the goods within three years of the date of exportation thereof, nor unless the entered value for duty of the goods exported, on which claim is made, is in the aggregate more than fifty dollars;

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim. Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part;

6. Upon the exportation of the goods entitled to drawback, export entry in triplicate, in the usual form (with the words "Subject to Drawback" marked on the face), shall be filed with the Collector at the port of exit from Canada, naming the conveyance by which and the country or place to which the goods are to be exported and fully describing the kind and quantity thereof and also the marks and numbers on the packages;

7. The following documents shall be delivered with the claim for drawback:—

(*a*) A copy of the import entry showing payment of duties and/or taxes on the goods imported and exported, on which drawback is

Customs Act—*continued*

claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback, it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

(*b*) A certified true copy of the export invoice;

(*c*) A copy of the export entry, duly numbered and certified by the Collector at the port of exit where the goods were entered for exportation from Canada;

(*d*) A certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;

8. Drawback is not payable in respect of Customs penalties imposed on imported goods.

N. A. ROBERTSON,
Clerk of the Privy Council.

24. Drawback on articles and materials used to manufacture agricultural implements, etc.

P.C. 126/4317

Certified to be a True Copy of a Minute of a Meeting of the Treasury Board, Approved by His Excellency the Governor General in Council, on the 18th October, 1946.

The Board recommend that, under the powers granted by section 284 (*l*) of the Customs Act, authority be granted for the payment of a drawback of 100 per centum of the Customs Duty paid on goods imported or taken out of warehouse on and after June 28, 1946, and used in Canada in the manufacture of, or entering into the cost of, articles and materials supplied to manufacturers of agricultural implements or agricultural machinery, or parts therefor, enumerated in tariff items 409, 409*a*, 409*b*, 409*c*, 409*d*, 409*e*, 409*f*, 409*g*, 409*h*, 409*i*, 409*j*, 409*k*, 409*l*, 409*m*, 409*n*, 490*o*, and 439*c*, for use as specified in tariff item No. 442, subject to the following conditions:

1. The whole of the drawback shall be paid to the manufacturer of the goods so supplied;

2. The quantities of materials or articles used and the amount of Customs Duties paid thereon shall be ascertained;

3. Satisfactory evidence shall be furnished of the manufacture or use of the goods in respect of which drawback is claimed;

4. Claims for drawback submitted on and after June 28, 1946, shall be filed with the Collector of Customs and Excise and complete documentary evidence attached thereto and shall not be paid unless the Customs Duties involved have been paid on the goods within three years of filing the claim, nor unless the claims as presented at any one time aggregate ten dollars or over;

Customs Act—*continued*

5. Claims for drawback shall be made under oath before a Collector, Justice of the Peace or Commissioner for taking Oaths, in such form as the Minister of National Revenue shall prescribe and shall, before payment, be verified to the satisfaction of the Minister, who may require, in any case, the production of such further evidence, in addition to the usual averments, as he deems necessary to establish the *bona fides* of the claim. Nothing in these regulations shall be deemed to alter or amend the law, or to affect any discretion vested in the Minister with respect to the payment or non-payment of drawbacks, and the Minister shall be the sole judge as to whether any claim for drawback shall be paid in whole or in part;

6. Whenever it appears to the satisfaction of the Minister that the process of manufacture into which imported goods have entered has resulted in the production of saleable by-products, the drawback otherwise payable in respect of such imported goods shall be reduced by a sum proportionate to the value of such by-products; that is to say, by a percentage equivalent to the percentage value of the by-products in relation to the total value of goods manufactured or produced, excepting that drawback claims filed in respect of bituminous coal converted into coke shall be paid in respect of the full quantity of coal processed and represented in the coke covered by the drawback claim, without deduction for merchantable by-products or waste; and

Whenever it appears that the process of manufacture has resulted in the production of merchantable scrap or waste, drawback otherwise payable shall be reduced by a sum, representing duties and/or taxes, to be arrived at by applying to the Canadian sales value of the merchantable waste or scrap, the prevailing rates of duties and/or taxes, if any, on merchantable waste or scrap of the same kind, if imported as such; provided the prevailing rates of duties and/or taxes, if any, on the merchantable waste or scrap, are not in excess of the rates of duties and/or taxes applicable to the prime imported goods. If the prevailing rates for the merchantable waste or scrap, imported as such, are in excess of the rates applicable to the prime imported goods, the rates of duties and/or taxes applicable to the prime imported goods shall be used;

7. The following documents shall be delivered with the claim for drawback, viz.:

(*a*) A copy of the import entry showing the payment of the Customs Duty on the goods in respect of which drawback is claimed. If a copy of the import entry, however, has been furnished with a previous claim for drawback it will be sufficient to "refer" to such copy and indicate the claim to which it was attached, without furnishing a further copy of the entry;

(*b*) A certificate of importation, sale or transfer, in form prescribed by the Minister, when the claimant entitled to drawback is not the importer of the goods;

(*c*) A certified true copy of the claimant's invoice to the purchaser, with a certificate thereon, in the following terms from such purchaser, being a manufacturer of agricultural implements or agricultural machinery or parts therefor acceptable to the Minister and signed by a responsible official, viz:

Customs Act—*continued*

"The herein enumerated goods have been received and are to be used in our plant exclusively in the manufacture of the articles specified in tariff items 409, 409*a*, 409*b*, 409*c*, 409*d*, 409*e*, 409*f*, 409*g*, 409*h*, 409*i*, 409*j*, 409*k*, 409*l*, 409*m*, 409*n*, 409*o* and 439*c*, or in the manufacture of parts therefor, and not for any other purpose.

.....
(Name of Company)

.....
(Signature)

.....
(Title)

Dated at .....

this ..... day of

..... 19...."

N. A. ROBERTSON,
Clerk of the Privy Council.

25. Drawback on bituminous coal for conversion into coke for use in smelting of metals, etc.

P.C. 856

AT THE GOVERNMENT HOUSE AT OTTAWA

Tuesday, the 11th day of March, 1947.

Present:

His Excellency the Governor General in Council

Whereas Item 1019 of Schedule "B" to the Customs Tariff provides for a drawback of 99 per cent of the customs duty paid on bituminous coal when imported by proprietors of coke ovens and converted at their coke ovens into coke for use in the smelting of metals from ores and in the smelting of metals;

And Whereas, on the recommendation of the Coal Controller, an Order in Council, P.C. 6012, was passed on August 1, 1944, providing for a drawback of 99 per cent of the customs duty paid on bituminous coal of a quality suitable for by-product coke oven use, entered for consumption ex-warehouse on and after August 1, 1942, when imported and converted at coke ovens into coke for use in the smelting of metals from ores and in the melting of metals;

And Whereas, it was represented at that time that substantial quantities of coal screenings, known as "degradation slack", which had been found to be suitable for coking purposes, had accumulated at certain centres in Canada, but if proprietors of coke ovens converted these screenings into coke for use in the smelting of metals from ores and in the melting of metals, they were not entitled to the benefits of Drawback Item 1019 as they were not the importers of such screenings;

Customs Act—*continued*

And Whereas, the said Order in Council P.C. 6012, which was passed under the authority of the War Measures Act, will expire on March 31, 1947; and the Wartime Prices and Trade Board recommends that its provisions be continued for a further temporary period.

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under the authority of section 284, paragraph (1), of the Customs Act, is pleased to order and doth hereby order that an item be established in Schedule "B" to the Customs Tariff providing for a drawback of 99 per cent of the customs duty on bituminous coal screenings, for a temporary period, as set forth hereunder;

Item No.	*Goods*	*When Subject to Drawback*	*Portion of Duty (not including Special Duty or Dumping Duty) Payable as Drawback.*
1019a	Bituminous coal, of a quality suitable for by-product coke oven use, entered for consumption ex-warehouse on and after April 1, 1947.	When imported and converted at coke ovens into coke for use in the smelting of metals from ores and in the smelting of metals	99%

N. A. ROBERTSON,
Clerk of the Privy Council.

26. Regulations re the distribution of the proceeds of penalties and forfeitures

P.C. 4652

AT THE GOVERNMENT HOUSE AT OTTAWA

Friday, the 14th day of November, 1947.

Present:

His Excellency the Governor General in Council

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, is pleased to revoke the regulations relating to the distribution of the proceeds of penalties and forfeitures, established by Order in Council P.C. 233/1601 of August 22, 1929, as amended, and they are hereby revoked accordingly.

His Excellency in Council, on the same recommendation and pursuant to the provisions of sections 140 and 284 (*n*) of the Customs Act, chapter 42, R.S.C. 1927 and section 124 of the Excise Act, chapter 52, 24-25 George V, 1934, is pleased to make the following regulations respecting the distribution of the proceeds of penalties and forfeitures and they are hereby made and established in substitution for the regulations hereby revoked:

Customs Act—*continued*

1. The Minister of National Revenue may award out of the net proceeds of any seizure, fine, forfeiture, or penalty, an allowance to the informer or informers, if any, computed in accordance with the following scale, viz.: twenty-five per cent thereof when such net proceeds are five thousand dollars or less, together with fifteen per cent of the portion of such net proceeds, if any, in excess of five thousand dollars and not exceeding ten thousand dollars, together with ten per cent of the portion of such net proceeds, if any, in excess of ten thousand dollars.

2. In computing "net proceeds" for the purposes above mentioned, except as hereinafter provided, all expenses incurred in connection with seizure and keep of goods, or charges preferred, and included in the total forfeiture, together with all sums included in the total forfeiture as representing duties and taxes, Customs or Excise, properly payable upon the goods, shall be deducted from the total forfeiture.

3. The records of all seizures and of all fines and penalties imposed in connection with any seizure, or for violation of any Customs or Excise law, after deducting thereout the awards to informers, during each fiscal year, shall be available as a fund out of which the Minister of National Revenue may authorize the payment of any expenses legitimately incurred and regularly vouched for in connection therewith, either for law costs, or other expenses; and the expenditure so authorized shall be charged as for "seizures generally", or to the special case on account of which the expenditure has been incurred.

4. No collector or other officer or employee in the Outside Customs and Excise Service, and no officer or employee of the Inside Departmental Divisions of the Customs and Excise Service, and no member of the Royal Canadian Mounted Police, shall be entitled as seizing officer or assistant to any percentage of or share in the proceeds of any fine, forfeiture or penalty imposed in connection with any Customs or Excise seizure or for violation of any Customs or Excise laws; and no officer or employee of the Customs and Excise Service, and no member of the Royal Canadian Mounted Police, shall be entitled to any percentage or share therein as an informer.

5. In cases of prosecution for offences against the Customs or Excise laws, awards may be paid to the informer or informers, if any, on the following basis:

(*a*) Where a fine imposed by the Court is paid:

To the informer or informers, if any, twenty-five per cent of the fine paid.

(*b*) Where a fine is imposed, but not paid:

To the informer or informers, if any, twenty-five per cent of the fine imposed.

(*c*) Where a term of imprisonment is imposed without the option of a fine, or the offender is released on suspended sentence, awards may be paid as in subsection "b" based upon the minimum money penalty imposable under the law for the offence, or upon $200 where no money penalty is provided.

Customs Act—*continued*

Provided, however, that in the case of awards payable to informers under subsections "a", "b", "c", the basis of award shall not be affected by any remission or reduction of fine or remission of sentence that may be brought about by the exercise of executive clemency by the Governor in Council.

Awards as provided for in subsections "b" and "c", shall be paid out of the net proceeds of fines, penalties and forfeitures generally on the order of the Minister of National Revenue.

6. In cases of goods seized as forfeited according to law where such goods for any reason are not sold or disposed of but are destroyed, or are of such a nature that they will be destroyed; or in case of charges of contravention of the Customs laws reported to the department, where there has been no actual seizure; or of charges of avoidance of payment of duties on any goods where the goods are not seized, an award may be paid forthwith to the informer or informers, if any, of not more than ten per cent of the value for duty of the goods seized or of the amount of the unentered value or undervaluation for duty of the goods not seized, and shall not be dependent upon forfeiture or proceeds of forfeiture; such award or awards to be paid out of the net proceeds of seizures generally on the order of the Minister of National Revenue, and to be limited to a maximum of $500 in each case.

7. In cases where the unavoidable expenses in connection with a seizure are such as to completely exhaust or substantially reduce the gross proceeds, the Minister of National Revenue may authorize the payment of an award of not more than ten per cent of the appraised value for duty of such goods to the informer or informers, if any, to be paid out of the net proceeds of seizures generally on the order of the Minister.

8. In case of seizure of intoxicating liquor, tobacco, manufactures of tobacco, and other excisable goods resulting in condemnation according to law, and such goods are sold for not more than the duty and taxes properly payable thereon, an allowance of not more than ten per cent of the appraised value for duty of such goods may be awarded to the informer or informers, if any, in each case, to be paid out of the net proceeds of seizures generally on the order of the Minister of National Revenue.

9. Where seized goods are released by order of the Minister on condition of payment of a fine or penalty, such fine or penalty may be considered as proceeds of the seizure and be dealt with in the same manner as if arising from condemnation and sale of the goods. Where such fine or penalty is under $100, the Minister may at his discretion award the whole or any portion thereof to the informers, if any, as a reward for vigilance.

10. It shall be within the discretion of the Minister of National Revenue to limit within the bounds herein provided the amount of the award, or not to make an award to informers or for information in any case or class of cases, or in respect of any person claiming an award; and an informer or informers whose name or names shall not have been disclosed to the Minister of National Revenue at the time of distributing the award, shall have no claim against the Crown or

Customs Act—*continued*

the Department of National Revenue for any amount which shall have been awarded by the Minister of National Revenue out of the proceeds of seizures or from fines, forfeitures and penalties imposed under the Customs and Excise laws. All sums allowed for information furnished by persons whose names are not thus disclosed may, on the confidential report of the seizing officer, be paid to the informer or informers by collectors or other authorized officers of National Revenue (Customs and Excise Divisions), who shall satisfy themselves as far as practicable that the award is paid to the actual informer or informers in each case. Payments made for information when the informer's name is not disclosed to the Department shall in all cases be certified by the collector or other authorized officer and be attested to by the person receipting for the award on the distribution sheet.

11. Where the seizure or charge is of or relating to intoxicating liquor an award may be paid to the informer or informers on the following basis in lieu of any award under Regulations 7 or 9 hereof, viz:—

(*a*) In any case where a conviction is obtained an award equal to ten cents per measured gallon of the liquor involved;

(*b*) In any case where a conviction is not obtained an award equal to twenty-five cents per measured gallon of the liquor involved, or, in the discretion of the Minister of National Revenue, a minimum award of five dollars, such award or awards to be paid out of the gross proceeds of seizures generally.

12. No award shall be paid to an informer in any case where the same would amount to less than fifty cents.

N. A. ROBERTSON,
Clerk of the Privy Council.

27. Value for duty—goods *bona fide* exported to Canada from any country but passing "in transit" through another country

P.C. 3107

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 13th day of July, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of section 46 of The Customs Act, Revised Statutes of Canada, 1927, chapter 42, is pleased to order and doth hereby order as follows:

Goods *bona fide* exported to Canada from any country but passing in transit through another country shall be valued for duty as an importation from the first-mentioned country under the following conditions:

1. The Bill of Lading for the transportation of the goods shall show the ultimate destination of the goods from the place of original shipment to be a specified port in Canada without any contingency of diversion.

Customs Act—*continued*

2. The goods shall not be entered for consumption or for warehouse or remain for any purpose other than transhipment in any intermediate country.

3. The original Bill of Lading or certified copies thereof shall be filed with the Customs entry.

N. A. ROBERTSON,
Clerk of the Privy Council.

28. Drawback on imported steel sheets

P.C. 4793

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 22nd day of October, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance and pursuant to the provisions of section 284 (1) of the Customs Act, Revised Statutes of Canada, 1927, chapter 42, is pleased to order and doth hereby order that the following item be added to Schedule "B" to the Customs Tariff to provide for a drawback of 99 per cent of the Customs duty paid on imported steel sheets as described hereunder, effective October 1, 1948:

Item No.	*Goods*	*When subject to Drawback*	*Portion of Duty (not including Special or Dumping Duty) payable as Drawback*
1045*a*.	Steel sheets, hot or cold rolled or coated with lead or with lead and tin, ·064 inch to ·022 inch in thickness, 20 to 50 inches in width, and 50 to 120 inches in length	When used in the manufacture of stampings for automobiles	99 p.c.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

29. Regulations *re* refund of duty on goods found not to be the goods ordered

P.C. 403

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 1st day of February, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 300 of the Customs Act, Revised Statutes of Canada, 1927, chapter 42, is pleased to order as follows:

1. The Regulations respecting refund of duty on goods found not to be the goods ordered, established by Order in Council P.C. 1718 of 4th of May, 1948, are hereby revoked; and

2. The following Regulations respecting refund of duty on goods found not to be the goods ordered or proven to have been ordered in error are hereby made and established in substitution for the Regulations hereby revoked:

REGULATIONS

1. Where goods which have been entered at Customs for home consumption, and have passed into the hands of the importer, are found not to be the goods ordered or proven to have been ordered in error, a refund or drawback equal to the duty so paid thereon may be granted by the Minister of National Revenue in each case, provided:

(*a*) that the goods have been delivered into the custody of the Collector of Customs and Excise at the port of entry within six months of the date of the import entry;

(*b*) that application for permission to export the said goods has been made on the approved form;

(*c*) that the goods have been identified prior to exportation by an officer of Customs at the port of entry;

(*d*) that the goods have been exported under Customs supervision and proof of such exportation has been furnished to the satisfaction of the Minister of National Revenue;

(*e*) that application for refund has been made to the Collector of Customs and Excise at the port of entry on the approved form.

2. Goods returned under permit as not being the goods ordered or proven to have been ordered in error, shall be shipped outwards from Canada accompanied by export entry form B. 13 in triplicate. The three copies of the export entry are to be delivered by the carrier to the Collector of Customs and Excise at the port of exit and one copy will be certified by the Collector as follows and returned to the Canadian exporter:

"Certified true copy of export entry.

"Goods cleared from Port of Exit on..... 19.. as reported by Carrier.

(Signature).....

Collector of Customs and Excise."

Customs Act—*continued*

3. The proof of exportation as referred to in paragraph 1(*d*) above shall consist of a certified copy of export entry form B. 13 which shall be filed with the application for refund, and, in addition thereto:

(*a*) in the case of goods exported by vessel, or by railway freight or express, or other bonded carrier, a copy of the outwards waybill or bill of lading signed by the carrier or his agent;

(*b*) in the case of goods exported by mail, a copy of the receipt given by the postmaster or, in lieu thereof, a certificate from the Customs Officer by whom or in whose presence the parcel was mailed for export;

(*c*) in the case of goods exported by any other conveyance, the foreign customs landing certificate, provided that if such certificate is not obtainable, an affidavit from the foreign consignee acknowledging receipt of the goods, and such other proof of exportation as may be required by the Department, may be accepted.

N. A. ROBERTSON,
Clerk of the Privy Council.

30. Regulations respecting Special Services of Customs Officers

P.C. 404

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 4th day of February, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section 284 of the Custom Act, Revised Statutes of Canada, 1927, chapter 42, is pleased to order as follows:

1. Paragraphs 1, 3, 4 and 5 of the regulations in regard to the attendance of Customs and Excise Officers and their pay for overtime, and in respect of the Special Services in the outside Customs and Excise Services of the Department of National Revenue, established by Order in Council P.C. 684 of 27th March, 1930, are hereby revoked; and

2. The following regulations entitled "Regulations Respecting Special Services" are hereby made and established, effective January 1, 1949:

Regulations Respecting Special Services

1. The following services shall be deemed to be Special Customs or Excise Services for which $1.50 per hour shall be paid to His Majesty by the persons accommodated, viz:

(*a*) Except as otherwise from time to time determined by the Deputy Minister, services performed by a Customs or Excise Officer, for which an overtime allowance is authorized to be paid.

(*b*) Services of a Customs Officer performed outside of Canada at the request of transportation companies or others.

(*c*) Services of Customs Officers on board moving trains and vessels performed at the request of transportation companies or others, unless otherwise directed by the Deputy Minister.

Customs Act—*continued*

(*d*) Attendance of Excise Officers at establishments licensed under the Excise Act, at other than their regular hours.
(*e*) Services of Customs Officers in attendance at vessels for the acceptance of inward or outward reports or discharge of cargoes, at other than their regular hours of duty.
(*f*) Delivery of Ships' stores when this service requires the officer to be absent from his regular duties for more than twenty minutes at any one time.
(*g*) Such other Customs or Excise services of a special character or class as may be granted with the approval of the Deputy Minister on application.

2. Railways, steamship and other transportation companies are, until otherwise ordered, exempt from payment of charges for the authorized attendance of Customs officers at offices, stations and wharves in Canada on Customs Holidays and outside of regular hours, except for attendance for local delivery of goods.

3. The expression "Customs Holiday" shall mean and include New Year's Day; Good Friday; Easter Monday; Victoria Day; the birthday of the reigning Sovereign or the day fixed by proclamation by the Governor in Council for the celebration thereof; Dominion Day; Labour Day; Remembrance Day; Christmas Day, and any day appointed by proclamation by the Governor in Council to be observed as a general fast or thanksgiving or as a holiday.

4. Request for Special Service shall be presented to the proper officer in sufficient time to enable him to make arrangements for the necessary attendance, if approved.

5. The charge for Special Service shall be paid to the Collector of the Port having supervision of the Services.

6. No fee is to be collected for the examination or documentation of tourists' automobiles, motorcycles, pleasure craft (water or air), or other tourists' vehicles at the time of international crossing or of reporting inward or outward at Customs.

7. The minimum charge for Special Service in any case shall be for a period of two hours unless the Special Service is rendered within the hour immediately preceding or immediately following the regular hours of duty of the officer performing the service.

8. When Special Service is authorized, the person accommodated is responsible for transportation of officers to and from the point where such service is rendered, unless otherwise directed by the Deputy Minister. The expense of an officer's transportation to and from a dock or airport to provide service for privately owned or operated vessels or aircraft arriving from or departing for any point outside Canada for pleasure or touring purposes exclusively, shall only be required to be repaid by the person accommodated when such service is requested and provided at a dock or airport outside the hours during which a Customs officer is regularly on duty thereat, or at a dock or airport at which no Customs officer is regularly on duty.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

Regulations respecting hours of service of Customs and Excise employees, established in accordance with Section 88 of the Civil Service Regulations

Memorandum D. 79 (3rd Rev.) (in part)

8th February, 1949.

1. (*a*) The hours of attendance for persons employed in Customs Excise long rooms and similar offices shall be 9 a.m. to 1 p.m. on Saturdays and 9 a.m. to 5 p.m. on other days of business, with a luncheon period of 1½ hours.

(*b*) All entries presented for declaration up to 12 noon on Saturday and up to 4 p.m. on other days of business shall be computed and completed on the same day as received.

(*c*) Customs Excise long rooms and similar offices shall be open for the collection of revenue and the presentation of entries from 9 a.m. to 12.30 p.m. on Saturdays and from 9 a.m. to 4.30 p.m. on other days of business, and open to the public for the transaction of other business until 1 p.m. Saturday and 5 p.m. on other days.

(*d*) The above hours of attendance and business may be amended with the written permission of the Deputy Minister of National Revenue for Customs and Excise, and may be prolonged without extra compensation to officers whenever required by the necessities or interests of the public service.

2. (*a*) The normal hours of service for all outside Customs or Excise employees shall be 8 a.m. to 12 noon on Saturdays, and 8 a.m. to 5 p.m., with a luncheon period of one hour, on other days of business. Collectors of Customs and Excise may, however, require any outside employees to remain on duty beyond the said normal hours of service whenever it is necessary that service to the public be provided beyond the hours specified in this Sub-section.

(*b*) Customs truckmen and all other officers employed in the Examining and King's Warehouses shall be on duty from 8 a.m. to 5 p.m. each business day except Saturday, when they shall be on duty until 1 p.m. or later if required.

(*c*) Guards, watchmen and officers working on a shift basis will serve their hours of duty without intermission, except for a reasonable luncheon period.

3. Hours of service of individual employees at frontier points, steamship wharves or railroad yards or stations may be established as required to permit the most efficient and economical employment of the staff, provided that the hours of service for employees at such points shall not be less than the normal hours of service for outside Customs and Excise employees, viz., 44 hours per week.

4. The foregoing Regulations shall be effective January 1, 1949.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

Customs Act—*continued*

31. Regulations relating to release of goods urgently required

P.C. 4204

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 24th day of August, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and by virtue of the powers conferred by paragraph (*o*) of section 284 of the Customs Act, Revised Statutes of Canada, 1927, chapter 42, is pleased to make and doth hereby make the following regulations relating to the release for delivery before entry of goods urgently required:

Regulations relating to the release for delivery before entry of goods urgently required.

1. (1) Dominion of Canada Bonds, fully registered, with appropriate transfer form attached in favour of the Receiver General of Canada shall be submitted to the Department by the Dominion Chartered Customs House Brokers Association in the sum of $5,000.00.

(2) The submission of such bonds shall be conditional upon true performance and fulfilment by the authorized members of the Association of the conditions imposed by these regulations and by the Customs Act and regulations lawfully established thereunder.

2. Upon it being established to the satisfaction of the Collector of Customs that a situation of urgency or emergency exists which necessitates the immediate release for delivery of any imported goods, the Collector of Customs may issue special permission on Form C.6 in respect of any such importation, when the duty and taxes do not exceed the sum of $1,000.00 for each such importation.

3. The application for special Collector's Permission on Form C.6 shall be prepared by the importer or his broker and such application shall include an undertaking to complete the relative Customs entry within 72 hours from the time of release.

4. The Minister shall have the power to cancel the authority for the immediate release of goods prior to Customs entry granted by these regulations in respect of any Customs House Broker for violation of these regulations in any particular, and may make such orders and give such directions as may be necessary for the fulfilment of these regulations and for the protection of the revenue.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Act—*continued*

32. Coastwise and Foreign Shipping Regulations

P.C. 6531

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of December, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of the Customs Act, Revised Statutes of Canada, 1927, chapter 42, is pleased to order as follows:

1. The regulations respecting coastal and foreign shipping heretofore made and established pursuant to the provisions of the Customs Act are hereby revoked; and

2. The annexed "Coastwise and Foreign Shipping Regulations, Parts I to XIV", are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

COASTWISE AND FOREIGN SHIPPING REGULATIONS

PART I

Registration and Licensing

1. Only registered vessels are permitted to carry merchandise between a foreign port and a Canadian port or in the Coasting Trade of Canada. Collectors may require Certificates of Registration to be produced before granting any Clearances to such vessels.

2. When a vessel registered at any port in Canada is transferred to British or Foreign Registry an export entry is required to be executed by the owners to account for the sale or transfer before a report outward on Form A.7 is accepted or Clearance granted to the vessel. When a ship registered in Canada is transferred to a port outside of Canada, the transfer is not considered as completed until a new Certificate of Registry has been granted at the intended port of registry. Till then the vessel should be regarded as of Canadian registry and subject to the requirements of the Canada Shipping Act.

3. A foreign owned vessel may, without payment of duties and taxes, be registered in Canada but under such conditions can only engage in International trade and not in coastwise traffic.

4. In order to engage in the Coasting Trade a vessel must be a "British Ship" (see sections 6 and 661 to 665 of the Canada Shipping Act) that is owned wholly or by persons qualified to be owners of British Ships,

Customs Act—*continued*

and must either be duty and tax paid or be of British Build and Registry. A British built, British registered ship may be transferred to Canadian registry without payment of duty and taxes, except on repairs and equipment placed on such vessels in a foreign country within one year prior to arrival in Canada to engage in the Coasting Trade as provided by section 65 of the Customs Act.

5. (1) A foreign built British Ship irrespective of whether she is registered in Canada or elsewhere is not eligible to take part in the coasting trade of Canada until she has been duty paid and also licensed by the Department on special form (not form E.5) to engage in the coasting trade. A Coasting License (form E.5) may also be issued on application to any vessel of British build and Registry desiring to carry goods and/or passengers between Ports in Canada. This regulation does not apply to vessels used for pleasure purposes, police patrol boats, dredges and other vessels used for purposes which do not involve the carrying of goods and passengers.

(2) British Ships are not deemed to be "foreign built" when constructed in the United Kingdom or in any British country.

(3) Copies of all Form E.5 Licenses, when issued are to be forwarded to the Department.

NOTE: The Coasting License (E.5) should not be confused with the License to operate (C) issued to certain unregistered vessels below 10 tons.

6. Under Sections 106 to 112 of the Canada Shipping Act all vessels not exceeding 10 tons registered tonnage, if not registered require to be licensed. This applies to all vessels not propelled by oars, whether used for commerce or for pleasure, and includes sailboats, and outboard motorboats. Rowboats require to be licensed if used commercially.

7. The procedure for issuance of a license is simple. Upon completion by the owner of a Declaration (Form B—Canada Shipping Act) he may be furnished by Customs with a license (Form C—Canada Shipping Act) for which there is no charge or fee. Each license bears a serial number which remains unchanged throughout the period of any particular ownership. When a vessel changes hands, the old license is cancelled and a fresh one bearing the next consecutive serial number is issued to the new owner.

8. On or before the first day of February each year, all vessels licensed up to December thirty-first of the year immediately preceding, shall be reported on Form R.S. 1495 to the Department of Transport, the information being compiled from the port Record of Licenses (R.S. 1496).

9. Marking requirements for licensed vessels as contained in Section 110 of the Canada Shipping Act, which direct that the name of the port or place and the license number are to be painted on a vessel, are modified for small craft whose size would render extensive lettering undesirable. Owners may be permitted to use Customs Port numbers instead of port names in full at the discretion of the Customs officer concerned, or of the R.C.M. Police. For example, an outboard bearing license No. 122 issued at Ottawa (Customs Port No. 32-E) would be marked 32E122 instead of with the name of the port in full and the license number. In the case of Outports the required number is obtained by appending the letter "A", "B" or "C" as the

Customs Act—*continued*

case may be, to the relevant port number. For example, the Port of Ottawa number being 32-E and Carleton Place, Pembroke and Perth being Outports, the three Outport numbers, if employed, would be 32-EA, 32-EB and 32-EC. The figure-letter groups should precede the vessel license numbers when painted on the hulls of small craft.

10. Public notices and literature directing attention to the laws governing the operation of small vessels and to the safety and fire-prevention regulations of the Board of Steamship Inspection, have been posted and distributed at all centres used by small motor vessels. Additional posters for replacement purposes may be obtained on requisition to the Chief—Equipment and Supplies, and full particulars may be obtained on application to the nearest Steamship Inspector or Collector of Customs. Steamship Inspectors are stationed at:

St. Johns, Nfld.	Sorel, Que.	Port Arthur, Ont.
Halifax, N.S.	Kingston, Ont.	Vancouver, B.C.
Saint John, N.B.	Toronto, Ont.	Victoria, B.C.
Quebec, Que.	Collingwood, Ont.	
Montreal, Que.	Midland, Ont.	

11. *Special Licences Issued Under Section 11 (1) of the Transport Act, 1938.* The Board of Transport Commissioners, under authority of The Transport Act, are prepared to issue licenses to ships to transport passengers and/or goods from one port or place in Canada to another port or place in Canada, such licences to be valid only during the current navigation period within a year from the date of issuance. The Board proposes to issue a license certificate in duplicate to each vessel, one copy for display on the vessel and the other for inclusion with the ship's papers for production to Customs, as any ship unable to establish its right to clearance under this Act is required to be detained and advice of the detention wired to the Board for instructions.

The operations of this Act apply to:

(*a*) Vessels exceeding 500 tons gross tonnage on the Great Lakes, that is, Ontario, Erie, Huron (including Georgian Bay), and Superior and their connecting waters, and including the St. Lawrence River and its tributaries as far seaward as the west end of the Island of Orleans.

(*b*) Ships of every description exceeding 10 tons gross tonnage used in navigation on the MacKenzie River, which is defined as meaning all rivers, streams, lakes and other waters within the watershed of the MacKenzie River, and no exception is made with respect to goods in bulk, such as are exempt on the Great Lakes and St. Lawrence.

(*c*) Ships on the Yukon River and its tributary waters within the Yukon Territory.

With regard to the Great Lakes and St. Lawrence an exception to the licensing requirement is provided in respect of goods in bulk which are defined as the following goods laden or freighted in ships, and except as otherwise provided, not bundled or enclosed in bags, bales, boxes, cases, casks, crates or other container: grain and grain products, including flour

Customs Act—*continued*

and mill feeds in bulk or in sacks, ores and minerals (crude, screened, sized, refined or concentrated, but not otherwise processed), including ore concentrates in sacks, sand, stone and gravel, coal and coke, liquids, pulpwood, woodpulp, poles and logs, including pulpwood and woodpulp in bales, waste paper loaded as full ship's cargo, iron and steel scrap and pig iron.

PART II

General

1. For all purposes of these regulations the expression "the coasting trade of Canada" shall be deemed to include the carriage by water of goods and/or passengers from one port or place in Canada to another port or place in Canada.

2. Vessels entitled to engage in the Coasting Trade of Canada (British or Canadian registered vessels) may or may not take out a coasting licence, but if sailing without having been licensed or bonded are required to be reported inward and outward on Forms A.6 and A.7, and to obtain clearance on Form C.8 when reporting outward. Such vessels, however, if sailing under Coasting Licence, E.5 and Coasting Bond, D.11, may be reported inward and outward on Forms A.9 and A.10, except when reporting inward from or outward to a foreign port; when carrying In Bond goods under manifest; or when carrying Canadian or duty-paid goods via a foreign port and in which cases Form A.6 and A.7 should be used.

3. The copy of a report outward coastwise Form A.10 as carried on a vessel, should be surrendered when the vessel reports inward and should be filed attached to the report inward, Form A.9, except in the case of a vessel on a coasting voyage when it will call at intermediate Canadian ports en route. In such case the report outward may be retained by the vessel and not surrendered until it reports inward at the last port on the voyage, it being understood that reports on Forms A.9 and A.10 are to be made at each intermediate port.

4. (1) When a British or Canadian vessel, engaged in the coasting trade, but not carrying goods In Bond or Canadian or duty-paid goods coastwise via a foreign port, is due to arrive at or depart from a port before or after Customs hours, the Agent of the vessel may, during office hours, obtain a report outward coastwise, Form A.10, so as to permit the departure of the vessel at the time desired, and the agent may then on the next business day produce the report inward, Form A.9, together with the outward report as issued to the vessel at the preceding port, except in the circumstances mentioned in section 3 hereof.

(2) Where no agent is available to file the Reports Inward and Outward, and where the vessel is running on a regular schedule which provides for calls on Sundays and holidays at a place designated as a Customs office, the Department may arrange for the Master of the vessel to leave his reports at later or earlier intervals.

5. A vessel engaged in the coasting trade, which has been reported outward coastwise on Form A.10 at any Canadian port may call at places in Canada where Customs offices have not been established, without the necessity of again reporting to Customs until it calls at the next Customs

Customs Act—*continued*

port, outport or preventive station, it being understood, however, that if the vessel touches at any port or place outside of Canada, it will be necessary for it to be reported at the first port where the vessel afterwards arrives in Canada. When a vessel engaged in the coasting trade proceeds from any port to a place not established as a Customs office and is returning to the port where the voyage commences, it is the usual practice to have the vessel reported outward from the port where the voyage commences to the same port via the place not designated as a Customs office and to have the outward report, as carried on the vessel, surrendered when it is reported inward on its return.

Reports Inward and Outward, either coastwise or foreign should be presented at the Customs House to the Collector or to a shipping officer specially assigned to take charge of such matters. If reports have to be accepted outside of regular hours, one officer will be designated for each shift.

7. Vessels under 200 tons gross registry are not permitted to carry for export imported liquors either duty paid or In Bond or domestic liquors on which the Excise duties have not been paid.

8. Ammunition defined as "safety cartridges" may be carried *on passenger vessels* but must be packed in closed cases, labelled as such, and stowed in the vessel in a compartment by itself, not close to boilers or where it would be subjected to undue heat. If stowed on deck the ammunition must be placed in a locked compartment or strongly bound box with lock and key, the whole to be securely covered with a tarpaulin and marked "Explosives".

9. United States vessels and wrecking appliances may salve any property wrecked in Canadian Waters contiguous to the United States and may render aid and assistance to any vessels wrecked, disabled or in distress in such waters. Aid and assistance shall include all necessary towing incident thereto. This arrangement will only remain in force so long as similar privileges are available to Canadian vessels and wrecking appliances in United States waters contiguous to Canada.

PART III

Reporting Inward and Outward

1. Report on Arrival from Foreign Territory

Every vessel, laden or in ballast, when entering any port in Canada from any port or place outside of Canada, is required, when the vessel is anchored or moored, to be reported inward on Form A.6 or Form A.6 Special if in use.

2. Reports—First and Subsequent Ports of Call

(1) All goods transported on a vessel arriving from any port or place outside of Canada are required to be reported in detail at the first port of entry on Form A.6 in the requisite number of copies, regardless of whether the cargo may be for one or several Canadian ports, or for ports outside of Canada. If the cargo is for various ports, the report inward as made at the first port of entry will designate the ports at which the goods are to be landed. Goods should be grouped under their respective ports. Sufficient copies of the report are to be prepared, stamped and certified, so that a copy

Customs Act—*continued*

may be filed with the report inward as made at each succeeding port. At the second port, only the goods to be landed at that port are to be reported inward in detail on Form A.6—a notation being sufficient to indicate other ports at which goods will be landed, and such report inward will be accompanied by the report outward as made at the first port of entry, together with a copy of the full report inward made at the first port. This procedure is applicable at the third and succeeding ports.

(2) The report outward, Form A.7, as made at the first port of entry will cover, in detail, only the goods to be landed at the second port of call—a notation being sufficient to indicate other ports for which goods are carried, and so on until all cargo for Canadian ports has been discharged.

(3) If goods for export are laden at the first port of entry or at subsequent ports of call, they are required to be accounted for by export entries at the ports where laden, and notations are sufficient to indicate such goods on reports inward and outward until the vessel clears for a foreign port when such goods are required to be shown in detail on the report outward. If goods shown on an export entry are not sold for foreign funds, they are not to be permitted exportation until the export entry is properly endorsed by an authorized dealer of the Foreign Exchange Control Board, which may be any chartered bank in Canada. However, if the goods are sold for foreign funds and such information is shown on the export entry, the goods may be permitted exportation without authorization of the Foreign Exchange Control Board or a chartered bank.

(4) If goods, which are covered by A.16 Special Manifests, are laden at the first port of entry or at subsequent ports of call, such goods are not required to be shown in detail on reports inward and outward, Forms A.6 and A.7. Notations showing the names of the Sending Ports and the Sending Port numbers of the manifests will be sufficient, as full details are to be given on the manifests. Goods covered by A.16 manifests may only be transported in vessels entitled to engage in the Coasting Trade of Canada and not in foreign registered vessels.

3. Numbering, Recording and Cancellation

If an A.6 report consists of more than one form, the sheets should be consecutively numbered with the total number indicated on the first sheet and these numbers should be placed so that they will not be confused with the "Report No. ....." on the form. The first and last sheets of each such report are to be declared and signed in the spaces provided for that purpose. Reports inward for vessels from foreign territory are to be entered in the Register of Manifests Received and given their report numbers from such register. These reports are required to be cancelled for goods landed by entry, manifest or unclaimed list numbers and for goods not landed by outward report numbers.

4. Comparison Reports Inward With Foreign Outward Reports on Manifests

Form A.6 report inward for a vessel arriving from a port or place outside of Canada should be compared at the first port of entry with the outward foreign report or manifest, as issued to the vessel at the foreign port whence it last cleared, to ascertain that all goods are reported and explanations for discrepancies should be noted on the report inward.

Customs Act—*continued*

5. Foreign Vessels not to Engage in Coasting Trade

(1) A foreign registered vessel may not take goods or passengers at one Canadian port and land same at another Canadian port. Such vessel may transport goods and passengers from a foreign port and land them at one or more Canadian ports, but once all the passengers and goods are landed, the vessel cannot proceed further in Canada, except in ballast, except it may go to one or more Canadian ports to take on passengers or goods for a foreign destination clearing from one Canadian port to the next until final clearance is granted to a foreign port.

(2) The outward report A.7 "in ballast" and subsequent inward reports A.6 should be numbered with and treated as *coastwise* reports for statistical purposes, and any goods loaded for export should be shown on such reports as "cargo for export". The outward reports A.7 at each of the succeeding Canadian ports of call where goods are loaded for export should be made as to the foreign port of destination and marked via the next Canadian port, and these reports should be numbered with outward reports *foreign* for statistical purposes. When the vessel clears direct for a foreign port, the whole cargo should be reported outward. Goods laden on a vessel for export should be accounted for by Export Entries at the port where laden on the exporting vessel.

6. Re Vessels Under Licence and Bond When Carrying Goods from a Foreign Port

(1) In the case of a Canadian or British registered vessel (for which a Coasting Bond D.11 has been executed, and a Coasting Licence issued on Form E.5) transporting goods from a foreign port to be landed at one or more Canadian ports, the foreign voyage is considered as having been completed when all the goods have been landed, and such vessels may then proceed to any ports in Canada under coastwise reports inward and outward, Forms A.9 and A.10, except that inward and outward report Forms A.6 and A.7 are to be used if goods are carried for export or under Form A.16 manifest, or if Canadian or duty paid goods are carried coastwise via a foreign port.

(2) The following rules are to be observed in connection with prescribed forms of vessel reports, viz:

Forms A.6 and A.7 are to be used for:

(*a*) All vessels when reporting inward from or outward to a foreign port, or with goods covered by export entries.
(*b*) Vessels of foreign registry unless otherwise provided.
(*c*) Vessels entitled to engage in the coasting trade of Canada for which coasting licences have not been issued nor coasting bonds executed.
(*d*) Vessels carrying In Bond goods under A.16 manifests.
(*e*) Vessels carrying Canadian or duty paid goods coastwise via a foreign port.

Forms A.9 and A.10 are to be used for vessels entitled to engage in the coasting trade of Canada and which operate under coasting licences E.5 and coasting bonds D.11 and when such vessels are not—

(*a*) Proceeding to or from a foreign port, or carrying goods covered by export entries.
(*b*) Carrying goods In Bond under A.16 manifests.
(*c*) Carrying Canadian or duty paid goods coastwise via a foreign port.

Customs Act—*continued*

7. Under authority of section 33 of the Customs Act, it is hereby directed that vessels entering the Bras d'Or Lakes by the lower entrance shall report to Customs at St. Peters, or if by either of the north-eastern passages, to Customs at North Sydney.

8. Vessels Employed by Dominion Government.

Vessels employed by the Dominion Government in the protection of the revenue or fisheries, or other Government service, when commanded by officers appointed by the Government, are not required to be reported or cleared coastwise.

9. Vessels owned by Provincial Governments.

It is the usual practice to issue certificates or Orders permitting vessels owned by Provincial Governments to cruise in the waters of Canada upon reporting outward at the beginning of the season, without further report to Customs, except when being laid off at the close of the season provided such vessels shall report inward and outward when arriving from or departing to a foreign port, so that the certificates or Orders may be produced to Customs for inspection.

10. Officers commanding Canadian warships or warships of a friendly nation operating on official missions are only expected to file a courtesy verbal report when entering or leaving Canada. Masters of transports either owned or chartered by military or civil authorities of any country are required to submit a written report Inward and Outward. Description of cargo carried will vary according to the nature of the goods, their ultimate destination, ownership, and security problems. Military transports of friendly nations shall be given the widest latitude in this respect with different commodities grouped in general terms.

PART IV

Clearance of Vessels

1. A vessel of foreign registry, in addition to reporting inward and outward on Forms A.6 and A.7, is required to obtain clearance on Form C.8 before departure from any Canadian port. This clearance should indicate the nature of cargo in general terms.

2. The practice has been to report a ship inward from the first port at which cargo was laden for discharge in Canada and to clear the ship for the country of the last port of discharge, via intermediate ports, if any, and this practice may be continued until otherwise ordered.

3. The examination of passengers' baggage and Immigration requirements are to be given attention at the first port of call in Canada when a vessel is reported inward from foreign territory.

4. (1) Subsection 2 of section 29 of the Immigration Act, R.S.C. 1927, chapter 93, provides as follows:

> "No vessel shall be granted clearance if the master, agent, owner, charterer or consignee violates or refuses or neglects to comply with any provision of this Act.
>
> "Provided, however, that clearance may be granted upon deposit with the immigration agent or officer in charge at a port of entry of a sum of money equal to the maximum fine or penalty which may be imposed for the violation of any of the provisions of this Act."

Customs Act—*continued*

(2) Collectors at Ocean Ports are instructed not to grant a clearance to any vessel arriving in Canada from or departing from any port or place outside of Canada, until the immigration agent or officer in charge certifies that the master of the vessel has complied with the provisions of The Immigration Act.

5. Clearance for a port outside of Canada shall not be granted to any vessel carrying cargo when it is evident from the tonnage, size, seaworthiness, means of propulsion, equipment and general character of the vessel, or the length of the voyage and the perils or conditions of navigation attendant upon it, that the vessel will be unable to carry its cargo to the destination proposed in the vessel's report outwards.

6. Clearance shall be withheld on behalf of other Canadian Government departments:

(*a*) To vessels subject to Section 170 and other related sections of the Canada Shipping Act until the Shipping Master's Certificate is produced to indicate that all requirements of the Act with regard to the agreement with the crew have been complied with or that the agreement is in his office partially signed, waiting the engagement of a portion of the crew.

(*b*) When a Harbour Master wishes a vessel held pending payment of Harbour Dues.

(*c*) When the Master and Mate do not have in their possession proper certificates issued by the Department of Transport. (See Part XI of the Canada Shipping Act.)

(*d*) When the Master is unable to produce a proper certificate of Steamship Inspection and a receipt for the payment of the fee imposed if any such fee is payable in Canada.

7. According to advice from the Department of Transport Port Wardens' Certificates must be filed in every case by the operators of vessels subject to such procedure before Customs clearance is granted. This regulation applies with equal force to vessels entering a harbour for minor repairs, etc., as well as vessels actually loading or discharging cargo.

PART V

Vessel Clearing Stations

1. With respect to Postmasters who have been authorized to accept vessel reports, this applies only to vessels arriving from or departing to foreign territory. Postmasters do not grant Coastwise clearances. Vessels engaged in the coasting trade of Canada are not required to report inward at vessel clearing stations when arriving from a Canadian port under reports outward coastwise A.10 and such reports may be surrendered at the next Canadian Customs port or outport. If a vessel from a foreign port reports inward at a Vessel Clearing Station and then proceeds to various Canadian ports to engage in the coasting trade, the Master may be given a copy of the report inward (in lieu of a report outward from the station), so that after departure from the station he will not be without a document showing the vessel to have been reported to Customs on arrival from foreign territory. Goods carried by vessel from foreign countries for a Canadian destination

Customs Act—*continued*

are required to be reported inward and entered at a Customs port or outport, and to be landed at the port where entered (except where otherwise specially authorized) and once the goods have been landed it is not permissible for foreign vessels to transport such goods further in Canada.

2. When goods for export are laden at a Vessel Clearing Station and the vessel is then cleared for another vessel clearing station to complete cargo for a foreign destination, the vessel is not considered to be engaged in the coasting trade but merely clearing from one to another station for the purpose of completing cargo for a foreign destination, and in such circumstances, the Postmaster should be allowed the usual remuneration for this service, and the report outward should be made as to the foreign destination via the next station.

3. A vessel loading cargo at a Vessel Clearing Station should be reported outward on Form A.7, and also granted clearance on Form C.8 and export entries should be filed for the goods exported.

4. At Vessel Clearing Stations vessel reports are required to be taken in duplicate, one copy being kept on file, and the other to be forwarded weekly to the chief port. On week days the payment for entering or clearing each vessel shall be $1.00. On Sundays the compensation for entering a vessel shall be $3.00, and the same charge for clearing, provided that where the vessel is both entered and cleared within a period of two hours, the charge is not to exceed $3.00 which is the equivalent of payment for two hours' service at the overtime rate of $1.50 per hour. While the vessels are required to pay for the Sunday service, and the amounts accounted for through the Sundry Collections Cash Book, they should not be charged for week day service and such service should be paid to the officer in charge of the Vessel Clearing Station by the Collector from his contingent advance and return made to the Department on Form K.18 in order that the Department may repay the Collector.

PART VI

In Bond Goods, Coastwise, Under A.16 Manifests

(1) All goods transported on a vessel arriving from any port or place are required to be covered by Form A.16 manifest in triplicate, one copy to be forwarded with the goods, one copy to be mailed to the receiving port and a copy to remain on file at the sending port. Goods covered by A.16 manifests are not required to be shown in detail on relative inward and outward reports which, in these circumstances, should be made on Forms A.6 and A.7. These reports may refer to the goods by notation indicating particulars of the manifests, such as numbers, dates and names of Sending and Receiving ports. The reports inward and outward are to be numbered with and treated as coastwise reports.

2. A separate series of consecutive numbers should be given at Sending ports to Form A.16 manifests for each port of destination and for each fiscal year. At Receiving ports they are to be recorded in the Register of Manifests Received.

Customs Act—*continued*

3. If goods are reported on Form A.6 in bond as removed from one port to another in Canada, but which are not covered by a Form A.16 manifest, a *pro forma* A.16 manifest should be prepared in duplicate at the Receiving port and dealt with in the same manner as an original A.16.

4. Goods are not considered as being carried coastwise if transported by the importing vessel between ports in Canada without having been unladen at any port in Canada previous to their report inward at the port of destination and, in these circumstances, the goods are not required to be accounted for by an A.16 manifest. Form A.16 is only to be used to account for In Bond goods which are laden on a vessel at one port in Canada for transportation to another Canadian port.

5. It will be noted that in the case of a vessel arriving from a foreign port, the Form A.6 inward report is numbered and treated as a manifest, whereas when goods arrive In Bond under A.16 manifest direct from a Canadian port, the Form A.6 report is numbered and dealt with as a coastwise report, (except when it also covers imported goods which have not been previously unladen) and that the Form A.16 is recorded in the Register of Manifests Received.

6. Foreign registered vessels are not entitled to engage in the Coasting Trade, and are therefore not permitted to transport goods under A.16 manifests.

PART VII

Goods in Transit through Canada Exported at a Port by Vessel which Calls at Other Canadian Ports en Route to the Foreign Destination

1. When a considerable quantity of various kinds of goods, which are moving in transit through Canada, are finally laden for export on a vessel which will call at other Canadian ports before clearing direct for a foreign destination, such goods are not required to be accounted for on Form A.16 manifests or by export entries. They may be recorded in detail on a separate Form A.7 report outward under the heading "Foreign goods in transit for ..... (name of foreign port)", and a notation made on such report that it is not the regular report outward for the vessel but covers only goods in transit, and the notation should show the number of the regular report outward. The regular Form A.7 report outward may refer to the goods as "Foreign goods in transit as per separate report attached". If sufficient copies are made of the separate report outward, it will then only be necessary to make reference to the in transit goods on regular reports inward and outward at subsequent ports of call in Canada in the manner stated. This procedure will obviate delay where a considerable number of packages are carried in transit, but if there are only a few in transit packages they may be shown as in transit and recorded in detail on the regular reports inward and outward.

2. When goods in transit are transported as above stated, the vessel reports inward and outward should be made on Forms A.6 and A.7 and the goods are not considered as being carried coastwise, provided they are not to be unladen at any port in Canada after having been laden on a vessel for exportation. In these circumstances, the goods may be carried in any vessel regardless of whether it is of British or Canadian registry or of foreign registry.

Customs Act—*continued*

PART VIII

Canadian or Duty-Paid Goods Carried by Vessel from One Port to Another in Canada via a Foreign Port Without Transfer at the Foreign Port

1. When Canadian or duty-paid goods are carried by a British or Canadian registered vessel from one port to another in Canada via a foreign port, but without being landed or trans-shipped at the foreign port, such goods may be treated as Canadian goods carried coastwise and not subject to entry at Customs provided:

(*a*) when the vessel is reported outward on Form A.7 from the port, where the goods are laden, an extra copy of the report outward, designating the Canadian or duty-paid goods and showing same in detail, shall be certified and mailed to each Canadian port where the goods are to be unladen.

(*b*) an extra certified copy of the report outward, as carried by the vessel, shall be attached and submitted with the report inward as made at each port where the goods are unladen, and these documents are found to be in agreement with the goods and with the copy of the Form A.7 report received by mail.

2. Upon return of the vessel to Canada from the foreign port, the full cargo is to be reported inward on Form A.6 at the first port of call. It is unnecessary to itemize the Canadian or duty-paid goods and this requirement will be satisfied if suitable notation respecting such goods is made on the report inward, such as "Canadian (or duty-paid) goods laden at ..... for ..... as per copy of A.7 report attached". The same notation will be sufficient on the report outward if similar goods are carried beyond the first port of call.

3. If "In Bond" goods are forwarded by vessel from one port to another in Canada via a foreign port as above stated, such goods should be covered by A.16 manifests and the same procedure followed as outlined in the preceding paragraph without the necessity of itemizing the goods on reports inwards and outward. Such goods, however, will be subject to entry in the usual manner.

PART IX

Coastwise Shipments Through United States Wholly or Partly by Water, When Transfer is Made Under Supervision of a Canadian Customs Officer

1. Except as otherwise ordered, goods in transit from one part of Canada to another part of Canada, wholly or partly by water carriage through the United States, shall be transported in British or Canadian registered vessels under Customs manifests, and the transfer of such goods from car to vessel and vice versa, shall be made in the presence of a special officer of the Canadian Customs and be certified by him. The salary of such officer shall be paid by the carrier applying for his services.

Customs Act—*continued*

2. The following form of Special Customs Manifest A.11½ is approved for use in connection with the above mentioned shipments:

Stamp of Sending Port	FORM A.11½ for goods in transit by water in British or Canadian Registered vessels to or from U.S. Ports where a Canadian Customs Officer is stationed	Sending Port No. ..... Rec. Port No. .....

3. Canadian Customs Special Manifest of goods in transit through United States leaving the frontier port of ..... by water for the Port of ..... and laden as below stated on board the ..... sailing on .....

Marks and Numbers	No. of Pkgs.	Description of goods	In Bond or not In Bond	Consignor	Consignee and Destination	Ref. etc.

I hereby certify that the above described goods have been laden under my supervision as above stated.

.....
Agent of Vessel or Transportation Co.

.....
Canadian Customs Officer

Received intact and in good order at frontier Port of

.....

.....
Canadian Customs Officer.

PART X

Tugs, Barges, Towing

1. Tug boats and barges either empty or with cargo or tows are subject to the same requirements as other vessels operating over similar routes. This includes Registration and Licensing, the filing of Inward and Outward reports, and the general regulations governing the Canadian Coastwise Trade.

2. Separate reports Inward and Outward are required to be made for each barge, scow or other vessel in tow and the report for the tug or other vessel by which the towing is performed shall show the names or numerical designations of the barges, etc., in tow. This information may be placed at any convenient point on the front or back of the report form.

3. Barges, logs or other articles, to be towed from one port or place in Canada to another port or place in Canada are to be moved only by vessels permitted to engage in the Coasting Trade. This regulation includes the movement of imported merchandise either still In Bond or duty paid, as well as Canadian products or manufactures, and applies with equal force to waters within or outside the limits of Canada or any combination of same. When the movement includes foreign waters Special Manifests may be prescribed by the Minister of National Revenue and merchandise travelling under these Manifests on return to Canada will retain the same status for

Customs Act—*continued*

Customs purposes as at time of departure. Goods transported in or towed by any vessel not permitted to engage in the Canadian Coasting Trade shall be seized and forfeited. This is in addition to any penalty applied against the vessel.

4. A foreign tug or vessel is not permitted to pick up a tow in Canadian waters except when the tow is destined for a foreign port and is picked up at a Customs Port where the tug or vessel has reported Inward and Outward, and where the necessary export entry or entries have been filed.

5. Foreign vessels may tow other vessels or things from a Canadian Port to a foreign port or vice versa but if they part from their tows in Canadian waters they cannot again take such vessels or things in tow for the purpose of moving them further in Canadian waters. The preceding rule does not apply in case of accidental parting such as the breaking of a hawser, etc., or if the parting takes place for the sole purpose of manipulation in any of the Canadian canals.

6. Clearance shall not be granted to any vessel with unmanufactured timber in tow for export until all permits or certificates required under existing Federal and Provincial regulations have been filed.

7. Tug boats with their barges and self propelled barges entering or leaving Canadian waters from or to Lake Champlain shall make their initial report Inward and their final report outward at St. Johns, Que., and relative Export Entries will be filed at that point.

PART XI

Ferries

1. All vessels, scows, barges, etc., whether self-propelled or towed, used solely or principally for the transport of vehicles and passengers across international lakes or rivers, either on schedule or on call, shall be classified as ferries and the operators required to obtain a Ferry License from the Department of Public Works and to provide and maintain free of charge all office, warehouse and other accommodation required by the Customs Officers assigned to duty at such Ferry landings. This includes the heating and lighting of office and warehouse space as well as the fencing and lighting of detention yards, roads and docks.

2. Vessels operating under Canadian Ferry Licenses, irrespective of ownership, may be allowed to make one Inward and Outward Report at the close of the day to take care of all trips made during the day. Forms A.6 and A.7 are used for international ferries and A.9 and A.10 for interprovincial runs.

3. Ferry licenses issued by the Public Works Department do not preclude operations over the same route by unlicensed vessels plying in ordinary commercial navigation so long as no attempt is made to infringe on the ferry franchise and so long as the schedules are without the regularity or purpose of ferry trips. Vessels plying internationally without a Ferry License must report Inward and Outward on each arrival and departure and cannot break bulk or land passengers, vehicles, or cargo, before the Inward report has been accepted and permission granted for the landings.

Customs Act—*continued*

4. At ports where officers are regularly in attendance at the Ferry Office, package freight handled solely by the Ferry Company and articles carried by passengers are to be recorded by the Master or Purser on running versions of Forms A.6 and A.7 at the time of each arrival and departure. The respective sheet or sheets will be kept on the Customs counter and if more than one sheet is necessary they will be numbered consecutively as prepared. At the close of business for the day the reports will be finalized and the first and last pages signed by the Master or Purser.

5. Where Highway Reports (Form A.8) for truckloads are prepared and filed by importers or by drivers or agents acting on behalf of importers, details of the merchandise need not be included in the relative A.6, but merely the notation "Goods as recorded on A.8 Reports, numbers ..... to .....". If A.8's are not used then the merchandise must be shown in detail. An itemized record of Tourist automobiles, trucks, etc., is not required, but the total number of vehicles in each class must be shown for each trip.

6. Forms A.1 and A.5 (Reports Inward and Outward, Railway) shall be used in place of A.6's and A.7's for complete carloads and empty cars carried on Railway Car Ferries. The name of the Car ferry should be inserted at the top of the report under the heading "via ..... Railway". The contents of the cars will be manifested under standard practice.

PART XII

Fishing Vessels

The regulations governing the Coasting Trade shall apply to Canadian fishing vessels either British Registered or licensed to operate under Sections 106 to 112 of the Canada Shipping Act, subject to the following provisions:

1. Such fishing vessels having been brought to a Customs Port or Outport may be given an Outward Report and Clearance at the beginning of any fishing season and will not be required to make any further Reports Inward or Outward during such season while engaged only in the fisheries and not touching at any place or port outside of Canada; provided that the fishing vessels will again be brought to a Customs Port or outport to file a Report Inward at the end of each fishing season.

2. These seasonal reports are valid at all ports in Canadian waters adjacent to the vessel's home port and enables the vessel to dock and land fish or take on supplies at any convenient port in the locality at any time of the day or night. Should the vessel change her base of operations the Collector at the new base should date stamp the seasonal Outward Report and allow the vessel to continue to operate under the original fishing clearance.

3. Fishing vessels, when employed in the transport of goods and/or passengers from one port or place to another port or place within the limits of Canada, or when departing for or arriving from a foreign port shall enter and clear, either coastwise or foreign as the case may be, in exactly the same manner as other vessels. Failure to file foreign reports in writing will result in the application of penalties in a minimum of $100 for each offence.

Customs Act—*continued*

4. If the coastwise or foreign trips described in the preceding paragraph are only temporary or incidental diversions the seasonal fishing clearance will not be lifted and will remain in full force and effect. If the diversions are for substantial periods the seasonal clearance shall be lifted.

5. Vessels entitled to engage in the Coasting Trade, when employed only in the transport of fish from Canadian fishing grounds, may be granted a monthly clearance by filing Outward and Inward Reports at the beginning and end of each month. This privilege does not exempt such vessels from regular Reports Inward and Outward when touching at any port or place outside of Canada nor from the necessity of filing Coastwise Reports when diverted to ordinary Coasting Trade.

6. The Master of each fishing vessel must have endorsed on the back of his Fishing Bounty License by the proper Customs Officer the date on which the vessel clears on her initial and final fishing voyages in each season. If during the season in question the vessel is diverted to the Coastwise or Foreign Trade, the Master shall produce his Fishing Bounty License to the Collector of Customs who will endorse thereon the dates covering each diversion, together with the words "On Trading Voyage".

7. Under the Hague Convention and the provisions of the Customs and the Fisheries Protection Act, United States fishing vessels have from time to time, been granted special privileges when visiting Canadian Atlantic Coast Ports. Special port privileges have also been extended to United States halibut fishing vessels on the B.C. Coast. It has been the practice to authorize these privileges on an annual basis and *Modus Vivendi* Licenses may be issued to such vessels until otherwise advised.

8. Canadian fishermen concerned when obtaining their clearance should be informed that it is unlawful for them to fish in the territorial waters of St. Pierre and Miquelon.

9. *Certificate re Equipment on Vessels engaged in Deep Sea or Grand Banks Fishing.* Clearance must not be granted to any vessel engaged in deep sea or bank fishery unless the master thereof has a certificate from a fishery officer or other person duly authorized to grant such certificates that the vessel is properly equipped with the articles specified in Section 53 of The Fisheries Act; and in part 3 of Section 63 of The Fisheries Act which reads as follows:

> The owner and master of any such vessel which goes to sea or attempts to go to sea without first obtaining and exhibiting to the Collector or other proper Customs officer a certificate from a fishery officer or other person authorized by the Minister to grant such certificates that the vessel is properly equipped with a mariner's compass and suitable utensils for holding water for each boat carried by her and with a serviceable fog-horn or trumpet, shall be guilty of an offence against this Act and shall each be liable therefor to a penalty of not less than one hundred dollars, and costs and not more than two hundred dollars and costs or to imprisonment for a term not exceeding six months. R.S.C. 73, S. 81.

10. *Diesel and Steam Trawlers* engaged in fishing operations on the Atlantic Seaboard of Canada are not eligible for seasonal reports and must report outward and inward on every voyage. The Outward report shall

Customs Act—*continued*

include full details of the intended operations and shall contain a declaration by the Master that he definitely agrees for a period of one year from date to (*a*) restrict all fishing operations carried on by his vessel to waters which are at least twelve miles distant from the nearest shores between the first day of May and the thirty-first day of December, and also (*b*) to refrain from all fishing operation by the trawler in waters of Chedabucto and St. Peter's Bay within a line drawn from Cranberry Island Light to Green Island Light during the month of January.

PART XIII

Vessels Suspected of Smuggling Operations

1. Section 11 of the Customs Act requires that the *voyage* of a vessel shall be indicated on the report inwards. The indefinite statement "High Seas" is not satisfactory and the port from which a vessel last cleared is to be stated. If a vessel is suspected of smuggling either into Canada or the United States and any goods have been laden or unladen during the voyage, the Master should be required to make a sworn statement detailing:

(*a*) Name of Canadian port from which the vessel last cleared and date of clearance.

(*b*) Date of last entering the foreign port from which the vessel cleared on present voyage and description of cargo on so entering the foreign port.

(*c*) Longitude and latitude or definite point at which such goods were laden or unladen.

(*d*) Flag, home port, official number, name, rig, registered owner and Master as shown on ship's papers, of the contacting vessel.

(*e*) The names and addresses of the party or parties who ordered the Master of the reporting vessel to so take on or unlade the goods.

2. The printed form of affidavit on the Report Inwards should be used as far as applicable and an additional special affidavit obtained supplying the detailed statement as above indicated. When requested, copies of the affidavits may be furnished the United States Customs or the United States Consul concerned.

3. Masters of such vessels should be reminded that untrue statements in the Report Inwards or special affidavit, or refusal to disclose information required or to answer all questions concerning the vessel, cargo, crew and voyage and to make the substance of such answers part of his sworn report, will render the Master and vessel subject to penalties provided by law.

4. It should be noted that all merchandise on a vessel, whether the property of importer, consumer, passenger, officers or member of the crew, and whether to be landed or not, must be included in the Master's report and, if not reported, are deemed to have been imported without report and are subject to forfeiture and the parties so importing subject to penalties for smuggling. Consumable stores in possession of Master, officers and crew or held by anyone for sale or distribution to members of the crew and not to be landed, are required after report to be sealed in a manner similar to ships' stores and remain sealed while the vessel remains in port.

Customs Act—*continued*

5. If it is ascertained subsequent to departure that the Master of a vessel has indicated on the Report Outwards a foreign port or place to which it was not the intention to proceed, and the Master declines to pay the penalty provided for the offence, the vessel should, at the first opportunity, be detained and the detention reported to the Department on Form K.9.

6. *Hovering in Canadian Waters*—Vessels registered in the United Kingdom or any parts of the British Commonwealth other than Canada, Australia, New Zealand, the Union of South Africa, Eire and India, are hereby specified as a class of vessels within the meaning of subsection one of Section 151 of the Customs Act.

7. The provisions of Section 151 of the Customs Act shall extend to any such vessels hovering in Canadian waters subject to the following conditions and limtiations:

(*a*) The exercise of the right of innocent passage through Canadian waters, or Canadian Customs waters, or transit through such waters to a Canadian port by any vessel of such class engaged in legitimate trade shall not constitute hovering;

(*b*) The powers resulting from the proclamation hereinafter provided for under Section 151 of the Customs Act shall not be exercised in the case of any vessels of such class exceeding 500 tons net register, unless such vessels have been included in a list agreed upon by the Governments of Canada and of the United Kingdom, or unless such vessels were acting in a manner inconsistent with employment in legitimate trade;

(*c*) The exercise of the power to bring any such vessels exceeding 500 net registered tons into port shall be restricted to vessels included in a list as aforesaid or to cases in which, after examination, it has been found that the vessel has been engaged, directly or indirectly, in liquor smuggling into Canada.

PART XIV

Penalties

1. For any violation of the requirements in connection with these Shipping Regulations or the Acts on which they are based, the Master or owner of the vessel involved in the irregularities shall be subject to a penalty or fine of $400 unless a smaller amount is provided in any specific Act and the vessel may be detained until such fine or penalty is paid.

2. Penalties and forfeitures under these regulations may be recovered and enforced in the manner provided by the Customs Act for penalties and forfeitures specified by that Act.

3. Where merchandise carried by a vessel is subject to seizure, the vessel shall be detained until the merchandise has been delivered into the custody of the Collector to be dealt with as goods forfeited under the provisions of the Customs Act.

Customs Act—*continued*

33. Regulations respecting travellers' samples

(*Authority, Customs Act, Sect. 302*)

D.15
October 16, 1935.

The following regulations are established in respect of imported Commercial Travellers' Samples:—

1. Imported samples (not Canadian produce or manufacture) such as are carried by commercial travellers intended solely for use in taking orders for similar merchandise and not for sale, together with the trunks and other packages containing them (except when of "no commercial value") are subject to ordinary duty and taxes at each time of importation, but not to special duty in addition thereto; provided, however, that the trunks in which samples are contained may be admitted free after payment of duty and taxes on first importation, if identified to the satisfaction of the Customs Officer.

2. Commercial travellers are required to deliver to the Customs Officer for entry purposes a properly certified invoice or a statement in detail, showing the price (wholesale) of each sample as sold for home consumption. If a statement be furnished in lieu of a properly certified invoice, it shall be attested to by the traveller. The quantities of such samples as shown on the invoice or statement shall be duly checked by the Customs Officer and proper duty and taxes paid thereon before delivery.

3. Cards, portfolios, pasteboard boxes or other coverings containing cut samples of cloth, edgings, textile fabrics, buttons of various patterns, and other articles obviously for use only as samples to sell by and having no commercial value, may be admitted free of duty and taxes; the term "no commercial value" does not, however, apply to portfolios, boxes or other coverings used in displaying samples, when susceptible to other use or having a saleable value.

Special Regulations Respecting Samples From British Countries and From Most Favoured Nation Countries

4. When such commercial travellers' samples are imported temporarily direct by non-residents of Canada from any British country or from any country entitled to most favoured nation treatment in tariff matters by Canada, they may be admitted upon deposit of a sum equivalent to the duty and taxes thereon, such deposit to be subject to refund on the exportation of the samples under Customs supervision within twelve months from the date of Customs entry. Trunks containing such samples, when not marked in evidence of duty and taxes having previously been paid thereon in Canada, may be listed and valued along with the samples contained therein for purposes of deposit and subsequent refund, or may be delivered on payment of duty and taxes and may then be marked to ensure future importation without payment of further duty. A temporary entry of such samples with properly certified invoices (or statements as provided for in section 2 hereof) annexed thereto, shall be presented to the Collector of Customs and Excise at the port of entry. The importer shall make and subscribe to a declaration on the face of the temporary entry that the goods described therein are *bona fide* samples for use only in taking orders for merchandise and are to be exported within twelve months.

Customs Act—*continued*

5. When the samples are marked by a Customs Officer for identification and the temporary entry duly completed, the Collector may issue his permission for the release of the samples upon receiving the required deposit from the importer, such permission to have a notation thereon that the money deposited with the temporary entry of samples is subject to refund under the provisions of these regulations, and an extra copy of the temporary entry and of the Collector's permission shall be delivered to the importer along with a copy of the invoice, so that the same may be presented to the Customs Officer at the port of exit when samples are exported.

6. The deposit received with the temporary entry of samples shall be dealt with by the Collector in the same manner as Tourists' deposits, without, however, completion of Form E-29. Such temporary entries shall be numbered and filed in consecutive order.

7. If all of the samples are not exported a deduction shall be made from the deposit equivalent to the duty and taxes payable on the samples not exported, which amount shall be taken to account as duty and taxes in the ordinary course, and the balance of the deposit may be refunded upon the exportation of the identified samples which are exported under Customs supervision as provided herein.

8. In the case of travellers' samples, Customs Officers may allow British Preferential or most favoured nation rates, as the case may be, upon the declaration of the traveller as to the origin of the samples.

9. The privileges provided for in sections 4 to 8, inclusive, of these regulations do not extend to articles which owing to their nature could not be identified upon exportation.

10. Samples admitted to temporary entry on deposit under the special regulations respecting samples from British and Most Favoured Nation Countries may be taken to the United States by the traveller and returned to Canada merely upon report at Customs at any time within twelve months from the date of the temporary entry. On their return the samples may be admitted without entry if, upon being checked by a Customs Officer against the copy of the temporary entry and invoice in possession of the traveller, the officer is satisfied that the samples are those referred to in such temporary entry.

H. D. SCULLY
Commissioner of Customs.

34. Report and Entry of Vessels Entering the Basin of Annapolis and the Bras d'Or Lakes

D. 40.
19th May, 1936.

Under the authority of sections 33 and 34 of the Customs Act, the Minister of National Revenue has directed that vessels entering the gut of Annapolis shall be reported and entered at the Custom House at the port or outport on such waters for which the vessel is bound: Provided that report and entry shall be made at the Custom House in Digby when the vessel's documents showing clearance to any other port on the waters of the

Customs Act—*continued*

gut or basin of Annapolis are not produced for inspection to the Customs officer of the Port of Digby on demand (or when the clearance is to the Port of Digby); vessels entering the Bras d'or Lakes by the lower entrance shall report to the Customs officer at St. Peters, and vessels entering by either of the northeastern passages shall report to the collector at North Sydney.

H. D. SCULLY,
Commissioner of Customs.

35. Short-landed certificates covering shipments arriving by vessel

D. 91.
June 17, 1938.

Customs Act, Section 124

1. Customs Officers are not authorized to sign or issue Short-Landed Certificates or accept Forms A. 6½ in respect of goods claimed to have been short-landed from any vessel for less than whole packages, nor in any case where the transportation company does not check the cargo from vessel to shed.

2. Immediately after the cargo has been discharged, the cargo book shall be handed to the Customs officer in charge of the shed at which the ship was unloaded, all notations therein respecting whole packages found to have been short-landed shall be noted by him on his copy of the ship's manifest. Where the ship's manifest and relative bill of lading do not show missing packages as short-shipped, these documents shall be regarded as *prima facie* evidence that the packages in question were laden on board at the point of shipment, and in such circumstances, Customs officers shall not sign short-landed certificates or Form A. 6½ unless they are accompanied by sworn declarations or certified extracts from the ship's log establishing that the missing packages were lost overboard or were destroyed by fire or other casualty. Before Short-Landed Certificates can be issued, the missing packages must be shown on the transportation company's discrepancy sheet, and must also appear as short-landed on the Customs officer's noted copy of the ship's manifest. Certificates of short-landing shall be in the form approved by the Department of National Revenue, and the shortage shall be certified by the Marine Superintendent of the Company, and by the Customs officer in charge at the dock where the vessel was unloaded.

3. Subsequently, the Freight Claims Agent of the transportation company concerned will be required to certify on the form that every effort has been made, without success, to trace the missing package or packages, and that arrangements are being made to reimburse the importer, either by the steamship company or by the underwriters. The certificate of short-landing so certified by the Freight Claims Agent of the transportation company is then to be referred to the surveyor for further inquiry or verification by an examination of the company's files, if he deems it advisable, before his signature is affixed thereto. Where possible, the importer should produce a credit note from the exporter as additional evidence in the case of goods short-shipped.

Customs Act—*continued*

4. The certificate may then be delivered to the importer to be attached to his refund claim, but this refund claim shall not be approved by the Collector until six months have elapsed from the date of the arrival of the vessel, in order that the necessary adjustments may be made should the package be located in Canada, or have been found to have followed on another boat.

5. With regard to warehoused goods, importers are to be required to pay duty on the full invoice value of goods as warehoused, and refund of duty and taxes paid on goods short-landed is to be made on the usual refund claim forms submitted to the Department through the Collector at the Port where the goods were entered for duty, but in no case shall a claim for refund be approved until after the expiration of six months from the date of the arrival of the vessel. Perfecting warehouse entries by presentation of short-landed certificates is not permitted.

DAMAGE CERTIFICATES COVERING SHIPMENTS ARRIVING BY VESSEL

1. Section 67 of the Customs Act provides for an abatement of duties in respect of goods imported by water, which have received damage during the voyage of importation "between the actual departure of the vessel in which they are laden from the foreign port of exportation and the actual arrival of the goods at the port of destination in Canada" (see also Sections 68 to 74 inclusive).

2. When damaged packages destined to another port are discharged from a steamship and the transportation company desires to have such packages examined for the purpose of determining the quantity or condition of the contents thereof before they are manifested on the interior port of destination, such examination shall be made under Customs supervision in a locked compartment set aside to receive such goods and to which they must be removed by the steamship company's representative engaged in checking the cargo ex-ship as soon as the damaged condition of the packages have become apparent. As these packages are destined to another port, the invoices will not be available at the port where they are landed from the incoming vessel. It is, therefore, quite obvious that neither the transportation company nor the Customs officer is in a position to determine the actual extent of the damage. All that can be done is to check and list the contents of the packages for comparison with the relative invoices at the port of destination. When the contents of the damaged packages are checked by representatives of the steamship company, and the Customs officer, and Certificates of Damage prepared by the steamship company and signed by the Marine Superintendent, the Customs officer may also sign such documents provided always that he has actually checked the contents of the packages and is in a position to certify to the accuracy of the Certificates. If the transportation company does not request an examination of the contents of a damaged package by a Customs Officer and such package is not examined before going forward to destination, a notation shall be made on the copy of the Customs manifest as to the outward condition of the damaged package, the contents to be checked at destination after the package has been opened in the presence of a Customs officer.

3. When damaged packages consigned to importers at the port of discharge are unladen from a steamship, if the importer or the transportation company desire examination, the same procedure as outlined in the

Customs Act—*continued*

previous paragraph will be followed, except that the transportation company will notify the importers to have a representative present with the relative invoice or invoices at the time examination is made under Customs supervision.

4. The Certificate of Damage should be executed in duplicate; one copy being returned to the transportation company concerned, and the other filed at the port with the manifest.

5. Customs officials are not authorized to sign any Damage Certificate unless the damaged packages are noticed on transfer from vessel to shed, and are immediately placed in a locked compartment pending Customs examination, nor is any damage certificate to be signed by a Customs officer unless the steamship company checks the cargo from vessel to shed.

6. With regard to warehoused goods, importers are to be required to pay duty on the full invoice value of goods as warehoused, and refund of duty and taxes paid on damaged goods is to be made on the usual refund claim forms submitted to the Department through the Collector at the Port where the goods were entered for duty. Perfecting warehouse entries by presentation of Damage Certificates is not permitted.

H. D. SCULLY,
Commissioner of Customs.

CERTIFICATE OF SHORT-LANDING EX-VESSEL

Consignee .....Marks .....

Steamer .....Date of Arrival.....

Voyage No.....B/L No.....Goods .....

THIS IS TO CERTIFY, that on the above consignment there were....

.....packages short-landed. The following discrepancies were noted:—

Presumed lost in transit between interior shipping point and Canadian Seaboard. Shortage existing at Seaboard was not used or consumed in Canada.

....
Customs Officer Transportation Company's Marine Superintendent.

....
Officer's Port Dating Stamp Place and Date of Signature.

This is to certify that the Steamship Company transporting the shipment from which the above package or packages were short-landed has fully investigated the case and that all efforts to trace the missing package or packages have been unsuccessful. The company is paying the importer's claim for loss, or is arranging for payment by the underwriters concerned.

....
Place and Date of Signature Freight Claims Agent.

Entry No. ....
Surveyor of Customs.

.....
Surveyor's Port Dating Stamp.

Customs Act—*continued*

CERTIFICATE OF DAMAGE

Consignee ..... Marks .....
Steamer ..... Date of Arrival.....
Voyage No. ..... Goods .....
Customs Report No..... Port .....B/L.....

THIS IS TO CERTIFY that the following packages of this consignment were discharged from steamer in damaged condition, and on examination at Seaboard, contents were found to be as follows:—

Customs Officer's Port Dating Stamp

.....
Customs Officer.

.....
Place and Date of Marine Superintendent's Signature

Marine Superintendent.

Surveyor's Port Dating Stamp

.....
Surveyor of Customs.

(The Customs Officer signing this form is required to check personally the contents of packages referred to.)

36. Records of imported goods required by section 181A to be kept in Canada for a period of six years succeeding date of importation

D. 93
January 16, 1939.

Records with respect to imported goods which are required by section 181A of the Customs Act to be kept in Canada for a period of six years succeeding date of importation:

All records and books relating to the purchase, importation, costs, value, payment for and subsequent disposal of all imported goods, whether on consignment or sold to the importer prior to shipment, and shall include,—

1. Copies of all entries.
2. Copies of all invoices.
3. Copies of all statements, bills and accounts.
4. Ledgers, day-books, cash-books, letter-books, invoice-books or other books of account normally kept by the importer.
5. Copies of all correspondence relating to purchase of the goods by the importer.
6. Copies of all contracts relating to purchase of the goods by the importer.

Customs Act—*continued*

7. Copies of all correspondence relating to sale or disposal of the goods by the importer.
8. Copies of all contracts relating to disposal of the goods by the importer.
9. Records of selling expenses incurred in connection with the disposal of the goods in Canada.
10. Bank drafts, Bills of Exchange or other records showing the actual settlement made for the goods.

H. D. SCULLY,
Commissioner of Customs.

37. Consolidated Departmental Regulations—Temporary admission of articles for special use

D. 23 (1942)
April 11, 1942.

1. (*a*) The Department has authorized the use of Temporary Admission Report Form E-29, under which certain specified articles may be permitted entry without payment of duty and taxes. Provision is made on the Form for a computation of the amount of duty and taxes properly payable, and a cash deposit of an amount equal to that sum is to be supplied, unless otherwise stipulated. The E-29 must be surrendered by the holder and exportation must be made within six months from the date of entry (unless otherwise provided for), and any cash deposit which may have been furnished will then be subject to refund, otherwise it will be taken to account as duty and taxes. The goods must be identified by a Customs Officer prior to exportation.

(*b*) Although the furnishing of a deposit may be required by the regulations, any Collector of Customs may, in his discretion, waive its collection if the imported articles entered under Form E-29, are to be used within the limits of his own port, under such precautions or provisions as he may consider necessary to secure the due exportation thereof immediately after such use.

Description	*Condition of Entry*
2. *Musical instruments* for use in public and other concerts, the property of, or to be used by,—	
(*a*) Individual non-resident concert artists:	E-29, without security (*see* Para. 1.)
(*b*) Non-resident members of bands, orchestras or other groups of musicians:	E-29, with security (*see* Para. 1. (*b*))
3. *Musical instruments* imported as part of tourists' outfits:	E-29, without security (*see* Memo D No. 12.)
4. *Motion and Still Picture projection apparatus* and slides and films therefor, the property of non-residents, for use in gratuitous exhibitions for non-commercial purposes:	E-29, without security (*see* Para. 1.)

Customs Act—*continued*

Description	*Condition of Entry*
5. *Still picture cameras,* including a reasonable supply of dry plates or raw film therefor, the property of and imported by non-residents, for commercial use, conditional on exportation of the camera and all of the imported plates or film, exposed or not exposed, together with all prints made therefrom, within thirty days:	E-29 with security (*see* Para. 1.)
6. *Motion picture cameras and film* for commercial use:	Subject to ordinary provisions of Customs Tariff.
7. *Motion and still picture cameras and film* imported as part of tourists' outfits:	E-29, without security (*see* Memo. D No. 12.)
8. *Lecture Material*: Charts, maps, cutaway parts and other miscellaneous material such as may be used by non-residents for the purpose of illustrating lectures to be delivered by them before Scientific or other Societies for educational and non-commercial purposes:	E-29, without security (*see* Para. 1.)
9. *Theatrical Costumes,* imported by,—	
(*a*) Individual non-residents for their own use or by the proprietors of non-resident producing companies for use by the regular members of the importing company and not for that of any other person or for sale:	Free as "Travellers' Baggage".
(*b*) Canadian theatrical companies or individual Canadian actors performing in such companies, on rental or to be exported after temporary use in Canada, and used costumes brought in by promoters, actor managers or directors entering Canada with one or more costumes for use in the presentation of amateur or other performances for charitable or other institutions, and to be exported after such temporary use:	Subject to ordinary provisions of Customs Tariff, provided that $2 per costume be the minimum amount of duty and taxes to which such costumes should be liable.
10. *Stage Properties*: Theatrical scenery and stage properties (including trained animals), owned or leased and imported by foreign producing companies or by proprietors of foreign vaudeville acts, to be used in Canada by regular performers thereof and not by any other person, or for sale or rental in Canada.	E-29, with security (*see* Para. 1.)

H. D. SCULLY,
Commissioner of Customs.

Customs Act—*continued*

38. Permits for vessels for pleasure purposes

D. 30 Revised
21st July, 1945.

Customs Act. Section 302

The permit is to be executed in duplicate and the port dating stamp placed thereon. One copy is to be retained on the port files and the other is to be delivered to the owner of the vessel.

P. L. YOUNG,
Assistant Deputy Minister of National Revenue, Customs.

(C 13 Amended)

Port of..... 19.....

Permission is hereby given to (1)....., of

.....

.....

to keep and use in Canada, or Canadian waters, for the purposes of health or pleasure during the season from date of this Permit to (2)..... the vessel named or described as (3).....

The conditions of this permit being that reports inwards and outwards shall be made at each Customs port entered, in accordance with the provisions of the Customs Act; that the vessel above described shall not be made use of at any time or in any manner for purpose of trade or profit, and that the said (4).....

.....solemnly engages and promises that he will not permit any act to be done in connection with the use of the said vessel in violation of the revenue or navigation laws of Canada (5); and will surrender this Permit when leaving Canada or its waters to the Collector of Customs and Excise at the Customs port of departure (6).

Accepted under conditions herein provided

.....
(Signature of Applicant Owner)

.....
Collector of Customs and Excise.

(1) Name and address of non-resident owner.

(2) This date may be up to but not later than 31st December in British Columbia and 1st October in other provinces.

(3) If boat or yacht, steam yacht or launch, insert name, if any, and tonnage, with all necessary description or identification.

(4) Name of owner.

(5) The full penalties of the law will be enforced if this condition of the Permit is violated, including cancellation of Permit.

(6) Neglect or refusal to surrender this Permit at the date of expiration thereof, by the person to whom granted, will subject him to the penalties provided by law.

Customs Act—*continued*

39. General regulations as to invoices and entries and the examination and appraisal of goods

D. 74, Rev.
10th September, 1945.

Customs officers are requested to note particularly that under Sections 24 and 25 of the Customs Act, Sight Entries are required to be used when Perfect Entry is not made for goods landed for home consumption.

Sight Entries are to be made in triplicate at Chief Ports, and in quadruplicate at Outports, and shall be filed and numbered consecutively with entries for consumption. The sums collected upon Sight Entries shall be deposited in the same manner and at the same time as ordinary collections.

In fixing the amount of the deposit to be accepted on a Sight Entry, the appraiser shall estimate a sufficient sum to secure the perfecting of the entry. When such entry is not perfected within the time allowed, it will be assumed, as a general rule, that the appraiser's estimate for the deposit was too low.

A reasonable time should be allowed for perfecting Sight Entries, but not exceeding six months from the date of entry without the consent of the Department. If Sight Entries are not perfected within the time appointed by the Collector, and the importer, therefore, becomes liable to a penalty under the provisions of Section 24, Subsection 3 of the Customs Act, the facts should be promptly reported to the Department so that proper action may be taken for enforcement.

When any Sight Entry is perfected or Post Entry made, or Refund Claim certified, the collector in every such case shall carefully note on the invoice and the prime entry the number of the Perfect Entry, Post Entry or Refund Claim.

All Perfecting and Post Entries and Refund Claims shall have marked thereon for reference the numbers of the Prime or Sight Entries affected by such Perfecting or Post Entries or Refund Claims.

Properly certified invoices, in duplicate, are required to be produced in all cases of goods being mechandise for sale, whether imported as freight, express, mail or baggage. In the case of goods imported by mail, express or baggage, Appraisal Note (form E-46) may be accepted only when certified invoices are not obtainable for shipments not being merchandise for sale. It is to be understood, however, that Sight Entries should not be applied to casual importations not of a business nature where it is obviously impossible for the importer to obtain properly certified invoices. Such importations should be appraised and entry completed at the time of importation.

The actual purchase price, as shown on the invoice, is to be stated in the entry under the heading "Invoice Value in Currency of Invoice", and the proper value for duty is to be stated in the entry under the heading "Value for Duty in Dollars" whether the value for duty is the same as the invoice price or not.

Goods entered free or at a lower rate of duty for use only for manufacturing purposes by the importer *in his own factory* shall be separately entered "for home consumption" without other goods on the same entry and the special Oath (amended Form 4) as to the exclusive use of the goods

Customs Act—*continued*

shall be made and subscribed on the bill of entry in addition to the Declaration usually taken on the entry of imported goods. However, in cases where such goods can be specifically referred to in Oath Form 4 by description or by the line number or numbers of the entry, they may be included on the same entry with other goods.

In the absence or illness of the importer, invoice may be subscribed on his behalf by his local manager or employee duly authorized thereunto, or the collector may, in such cases, in his discretion, dispense with the requirement. Provided, that in all cases the invoice shall be subscribed by the person making the entry.

In order to provide for a proper examination and appraisement of goods, it is directed that at least one package in each and every shipment shall be taken and delivered for the examination of the appraiser or officer acting as such.

If an importer desires to group a number of invoices on one entry, such grouping should only be allowed if goods are of a class or kind subject to appraisement in the same appraising division.

NOTE: The object of this regulation is to expedite the passage of goods through the Examining Warehouse and thus give a speedier delivery of examination packages to the importer, as when goods on one entry are sent to different appraising divisions, some delay is unavoidable while the entry is passed in turn to each division concerned.

When, however, an entry covers goods accounted for on an invoice of a large number of cases of merchandise of various kinds, computing clerks are expected to exercise discretion in ordering goods to the Examining Warehouse so that representative packages of the different classes of goods may be examined in the proper appraising divisions. In such cases, in order to reduce delays to a minimum, appraising officers are to see that the entry is passed to the other appraising divisions concerned as quickly as possible.

D. SIM
Deputy Minister of National Revenue
Customs and Excise

40. Procedure and fees for copies or certification of customs-excise documents

D 16
August 27, 1946.

Applications for copies of Customs documents shall be made on Form C.6, in duplicate, and numbered and entered in the record of Collector's Permissions. Both copies of Form C.6 shall be receipted when the amount recorded thereon is received by the officer acting as cashier. One copy shall be returned to the applicant and the other placed on file at the port. All fees collected, except for bills of health, are to be entered in the Sundry Collections Cash Book under the heading "Copy of manifest", "Copy of entry", as the case may be, and remitted to the Department with accompanying Form K.2A.

Copies of documents may be furnished without charge on the direct request of British or foreign governments.

Copies of documents are only to be given to the original importer or exporter or on his written authority.

Customs Act—*continued*

The scale of fees herein has been authorized to be collected for making copies, for verifying copies and for certification of documents presented to Customs.

Bill of Health

Section 137 of The Customs Act provides conditions under which the Collector may grant to any vessel requiring a bill of health a certificate under his hand and seal, for which he shall be entitled to ask and receive a fee of one dollar.

Invoice

Section 182(2) of The Customs Act provides for payment of fifty cents for each certified copy or extract of any invoice, but when an extra copy of an invoice is presented with the entry it shall be certified without charge. Certain invoices for foreign exchange control purposes are required to be endorsed "Duplicate—Not good for foreign exchange".

Foreign Exchange Control Board Documents

Copies of documents required by Foreign Exchange Control Board regulations are to be certified free of charge if presented at time of entry, but if presented later a fee of ten cents shall be charged for each and every such copy certified. Certain documents may only be certified with the original entry.

Manifest

Copy of manifest presented for verification and certification may be certified without charge when requested for the official use of a transportation company but a fee of twenty cents shall be charged for each copy or extract prepared and certified by Customs.

Import Entry

Copies presented at time of entry shall be certified without charge but a fee of ten cents shall be charged for certification of an import entry presented later by an importer if found correct, but if it does not agree in essential details with the port entry and is corrected before certification a fee of twenty cents shall be collected as well as in the case of the preparation and certification of the copy of an import entry. Duplicate copies of certified import entries shall be endorsed for Foreign Exchange Control Board purposes "Duplicate—Not good for foreign exchange".

Export Entry

No charge is to be made for certification of extra copies of an export entry presented to Customs at the same time as the original export entry, but if presented after exportation of the goods a charge of ten cents shall be made for the certification of each copy. If copies are prepared and certified by Customs a fee of twenty cents shall be collected.

Form K.36A (Ships' Stores Drawback)

If domestic goods delivered as ships' stores are subject to a sales tax refund, the vendor is entitled to an extra copy of Form K.36A (Notice of intent and application to claim ships' stores drawback) without charge at the time of execution.

Customs Act—*continued*

DRAWBACK CLAIM AND REFUND CLAIM

Extra copies presented when claims are filed shall be certified without charge, but a fee of ten cents shall be charged for certification of a prepared copy of claim presented at a later date, but if the copy is prepared and certified by an officer of Customs and Excise the fee shall be twenty cents.

LANDING CERTIFICATE

Each certificate, whether original or a copy, is regarded as a complete document and the fee for the certification of each Landing Certificate prepared by the importer shall be ten cents. If prepared and certified by a Customs Officer, the fee shall be twenty cents. Landing Certificates shall, under normal circumstances, be granted only at the port where the goods are entered for consumption, but may also be issued for goods entered in a Customs Bonded Warehouse by Provincial Liquor Commissions or Control Boards in order that they may comply with the bonding requirements of United States Customs. A record of Landing Certificates granted shall be kept at each port and the issuance thereof noted on the relative invoice.

(NOTE) While forms of landing certificates are primarily of interest to the country which requests the issuance and are usually supplied by those countries, the Department has provided Form C.10, which is available on requisition, for the convenience of importers in cases where forms are not supplied.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

41. Trucking by highway transport

D. 132
15th October, 1946.

Customs Act, Section 124

A certificate of short-landing on Form C.17 respecting importations by highway transport short on reaching the frontier of Canada may be given under the following conditions:

1. The shortage shall be brought to the attention of the examining officer at the time of importation.

2. The transportation company shall certify that investigation has been made and all efforts to trace the missing package has been unsuccessful.

3. The transportation company shall certify it is paying the importer's claim for loss of the goods or is arranging for payment of the loss.

4. The number of pieces billed at foreign point of origin shall be given.

5. Copy of original waybill shall be produced to the Collector.

Customs Act—*continued*

6. Applications for refund shall not be accepted until six months from date of shipment unless proof is produced that the missing package was destroyed before reaching the frontier of Canada.

7. The certificate of short-landing shall not be given for less than one package.

P. L. YOUNG,
Assistant Deputy Minister of National Revenue, for Customs.

42. Forms of Power of Attorney

D. 136
November 12, 1946.

Forms of Power of Attorney prescribed by the Minister of National Revenue, under authority of section 128, subsection 2, of The Customs Act:

Form E. 65 provides for the appointment of Attorney or Agent with power of substitution, and Form E. 66 without power of substitution. Both these Powers of Attorney are limited in respect of the period in which they are effective. They become void automatically if the power conferred is not exercised at any time during a period of twelve months.

When Power of Attorney Form E. 65 is used, and the person to whom this Power of Attorney has been granted wishes to authorize a substitute or substitutes, Form E. 66 shall be used.

For the information of importers, brokers and others concerned, there is also printed the short Form of Power of Attorney to be written, printed or stamped on the invoice and subscribed by the importer. This may only be used for passing a single shipment of goods, and is only authority for the entry of the particular shipment referred to in the invoice upon which the form is subscribed.

P. L. YOUNG,
Asst. Deputy Minister of National Revenue for Customs

Customs Act—*continued*



Form E.65

DEPARTMENT OF NATIONAL REVENUE

(CUSTOMS DIVISION)

APPOINTMENT OF ATTORNEY OR AGENT

With Power of Substitution

KNOW ALL MEN BY THESE PRESENTS THAT

.....

of .....
(street address) (name of place)

.....
(country)

.....

have appointed and do hereby appoint .....
(name of person or firm)

.....
(address)

to be true and lawful Attorney and Agent in all matters relating to the Customs and Excise of Canada, for ..... and in ..... name to transact all business which ..... may have with the Collector of Customs and Excise at the port of .....
(name of place)

in the province of ..... or relating to the Department of National Revenue (Customs and Excise Divisions) under the survey of the said Port, and to execute, sign, seal and deliver for ..... and in ..... name, all bonds, entries and other instruments in writing relating to any such business as aforesaid, with full power of substitution and revocation, hereby ratifying and confirming all that ..... said Attorney and Agent or his substitute shall lawfully do in ..... behalf aforesaid.

Provided That if the power hereby conferred be not exercised at any time during a period of twelve months by the said Attorney or substitute, the said power shall be deemed to have been revoked.

In Witness Whereof ..... have signed these presents, and sealed and delivered the same as ..... Act and Deed at .....
(name of place)

in ..... this ..... day of .... One
(name of country)

Thousand, Nine hundred and .....

.....Seal

.....Seal

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

.....
Witness

Valid if executed by a Corporation under its corporate seal (without other witness) or by a partnership or an individual in the presence of any literate witness of full age. The address of the witness, if any, should be given. If the Form is executed by individuals resident abroad, the witness shall be a British or Canadian Consular Officer or Trade Representative if available, or a principal officer of Customs.

Customs Act—*continued*

Form E.66

DEPARTMENT OF NATIONAL REVENUE

(CUSTOMS DIVISION)

APPOINTMENT OF AN ATTORNEY OR AGENT

Without Power of Substitution

KNOW ALL MEN BY THESE PRESENTS THAT

.....

of .....
(street address) (name of place)

.....
(country

.....

have appointed and do hereby appoint .....
(name of person or firm)

.....
(address)

to be ..... true and lawful Attorney and Agent in all matters relating to the Customs and Excise of Canada, and in ..... name to transact all business which ..... may have with the Collector of Customs and Excise at the Port of .....
(name of place)

.....

in the province of ..... or relating to the Department of National Revenue (Customs and Excise Divisions) under the survey of the said Port and to execute, sign, seal and deliver for ..... and in ..... name, all bonds, entries and other instruments in writing, relating to any such business as aforesaid, hereby ratifying and confirming all that ..... said Attorney and Agent shall lawfully do in ..... behalf aforesaid.

Provided That if the power hereby conferred be not exercised at any time during a period of twelve months by the said Attorney, the said power shall be deemed to have been revoked.

In Witness Whereof ..... have signed these presents, and sealed and delivered the same as ..... Act and Deed at .....
(name of place)

in ..... this ..... day of ..... One
(name of country)
Thousand, Nine hundred and .....

.....Seal

.....Seal

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

.....
Witness

Valid if executed by a corporation under its corporate seal (without other witness) or by a partnership or an individual in the presence of any literate witness of full age. The address of the witness, if any, should be given.

Customs Act—*continued*

Short Form of Power of Attorney for Entry of a Single Importation

The following short form of Power of Attorney, written, printed or stamped on the face or back of the invoice and subscribed by the importer, may be accepted for passing a single shipment of goods, but should not be used by any importer who has more than a single importation to make. It is only authority for the entry of the particular shipment referred to in the invoice upon which the form is subscribed.

"..... of ..... is authorized to enter for me this shipment of goods at ..... Custom House; and this is the true and complete invoice of all the goods included in the shipment.

Dated at ..... 19....

(Signature of importer) .....

(Address) .....

43. Licences for Customs-House Brokers

D. 35, 3rd Rev.
December 8, 1947.

Amended and consolidated regulations prescribed by the Minister of National Revenue with respect to the licensing of customs-house brokers, under the authority of subsection 5 of section 129 of The Customs Act.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise

1. *Interpretation,*

In these regulations the following words and expressions have the meanings hereby assigned to them, that is to say,—

(*a*) "broker" means a person duly licensed under the provisions of section 129 of The Customs Act and these regulations, to transact Customs business on behalf of other persons generally and includes firms and corporations so licensed;

(*b*) "firm" means a co-partnership or unincorporated association;

(*c*) "corporation" means a joint stock company or any incorporated body;

(*d*) "records" includes all books, accounts, papers, documents, and correspondence of a customs-house broker relating to his business as such;

(*e*) "Minister" means the Minister of National Revenue;

(*f*) "Deputy Minister" means the Deputy Minister of National Revenue for Customs and Excise;

(*g*) "Collector" means the Collector of Customs and Excise;

(*h*) "Committee" means the Licensing Advisory Committee established by section 3 of these regulations;

(*i*) "Department" means the Department of National Revenue.

Customs Act—*continued*

2. *Licences.*

(*a*) The licence shall be valid for one year as from April 1. The Collector shall notify each broker in writing not later than January 15, and application for renewal of the licence, in the prescribed form, in duplicate, shall be in the hands of the Collector not later than February 15. Immediately on receipt of the renewal application the Collector, after ensuring that it has been correctly completed, shall complete the "Certificate of Rectitude" thereon and forward one copy to the Department. The licence of any broker who fails to comply with this requirement shall stand automatically suspended as from April 1 until such time as the renewal application complete with financial statement or statements is submitted, during which period of suspension the delinquent broker shall not be permitted to pass any entries on behalf of clients;

(*b*) Every broker coming within the provisions of paragraph (*l*) of this section when making application for renewal of licence shall furnish, for the confidential information of the Minister and the Licensing Advisory Committee, a financial statement or statements, certified by the licensee, on the form or forms prescribed by the Minister, or equivalent financial statement or statements certified by a public auditor or chartered accountant, and the statement relating to the broker's business shall cover the twelve months period ended December 31 immediately preceding the year in which the application for renewal is made, unless the licensee's financial year ends on some other date in which case the licensee may submit a certified financial statement covering his financial year immediately preceding the date of his application for renewal of licence. The licensee's personal financial statement independent of the business, when required, shall be as at December 31 immediately preceding the year in which application for renewal is made. The financial statement or statements may at the discretion of the applicant be submitted to the Collector with the application or may be mailed direct to the "Deputy Minister of National Revenue for Customs and Excise" and marked "Private";

(*c*) The licence shall be in the appropriate prescribed form;

(*d*) A licence to a firm shall have stated thereon the names of the partners or members thereof, and the name or style under which they will conduct their business;

(*e*) A licence to a corporation shall have stated thereon the name under which such body is incorporated, and the names of the directors thereof;

(*f*) A licence shall be valid only for the transaction of Customs business within the survey of the port at which it is issued;

(*g*) If a broker wishes to open an office and transact Customs business at more than one Customs Port in Canada, a separate application for licence shall be made for each such port and a separate licence for each such port obtained;

(*h*) Licences are not transferable;

(*i*) A licence shall automatically become void, *in the case of an individual*, if the licensee dies or discontinues the active business of a broker at the port where such licence was issued or reorganizes

Customs Act—*continued*

his business into a firm or a corporation: Provided that, in order to preserve the continuity of service, the Minister, in the event of the death of the licensee, may permit the executor or administrator of the estate of the deceased to carry on the business for a reasonable time until a new licence is issued or the business wound up, or in the event of the sale or the reorganization of the business, permit the licensee to carry on the business until the application for a new licence is disposed of by the Minister; and *in the case of a firm,* if it discontinues the active business of a broker at the port where such licence was issued, or if there is any change in the membership thereof: Provided that, in order to preserve the continuity of service, the Minister, in the event of the sale of the business or of a change in the membership of a co-partnership, may permit the business to be carried on until the application for a new licence is disposed of by the Minister; and *in the case of a corporation,* if it discontinues the active business of a broker at the port where such licence was issued: Provided that the corporation shall promptly advise the Collector if and when there is any change in the directorate thereof and furnish him with an application form duly completed by each of the new directors, and the licence shall be subject to revocation by the Minister if he is not satisfied with the qualifications of the new directors;

(*j*) When a licence is revoked or becomes void it shall be surrendered forthwith to the Collector.

(*k*) In lieu of financial statements required under subsection (*a*) and (*b*) hereof, the Department will accept—

(1) from the Dominion Chartered Customs House Brokers' Association the general bond of a guarantee company securing the Department and clients of licensed brokers against loss in their relations with the members of the Association named in a Schedule thereto, in a principal sum to be fixed by the Minister, the bond to be valid from the date of issuance thereof to the 31st day of March next following, (unless cancelled earlier as provided for therein), and to be subject to renewal annually thereafter for a period of twelve months; subject also to additions to and deletions from the Schedule from time to time as circumstances may require within the period of validity thereof. The premium payment for the bond provided for herein shall be the responsibility of the Dominion Chartered Customs House Brokers' Association;

(2) from other customs-house brokers, on application for a licence or for a renewal, the bond of a guarantee company securing to the Department and clients of licensed brokers the proper fulfilment of the obligations imposed upon the applicant as a customs-house broker under The Customs Act or any other Act administered by Customs, or under any regulation established thereunder, in a principal sum to be fixed by the Minister in each case, the bond to be valid from the date of issuance to the 31st day of March next following, (unless cancelled earlier as provided for therein), subject to renewal annually thereafter for a period of twelve months. The premium payment for this type of bond will be the responsibility of the applicant in each case.

Customs Act—*continued*

(*l*) Applicants for customs-house brokers' licences or for renewals thereof who do not depend upon their Customs brokerage as a principal means of livelihood (as, for example, Express or Railway Agents, who perform Customs brokerage as an added service or a convenience to their employers' patrons), who are not members of the Dominion Chartered Customs House Brokers' Association, shall file financial statements provided for in subsections (*a*) and (*b*) herein.

In new and renewal applications filed with Collectors for transmission to the Department, applicants should continue to use the paragraph relating to financial statements when submitted by brokers referred to in subsection (*l*) of section 2. When submitted by others they should be supported by either a statement that a bond is being filed as a member of the Dominion Chartered Customs House Brokers' Association as required by paragraph (1) of subsection (*k*) of section 2, or that a separate bond is being filed as required by paragraph (2) of subsection (*k*) of section 2. In the former case the arrangements for bonding will be completed by the Department through the Association and in the latter case the bond will be submitted through the Collector either at the time of application or prior to March 1st in each year. The principal sum of the bond in the case of members of the Association will be specified thereon, and will be $2,000 in the case of others unless the Department specifically requires a larger amount.

The form of guarantee bond as approved for all brokers who submit bonds is contained in Appendix I hereof.

3. *Licensing Advisory Committee.*

The following shall be a committee to advise the Minister with respect to the granting and suspension and revocation of broker's licences, and shall be called the "Licensing Advisory Committee",—

The Deputy Minister, who shall be the Chairman;

The Assistant Deputy Minister of National Revenue for Customs, who shall be the Vice-Chairman;

The Chief Inspector of Customs and Excise;

A person named by the Dominion Chartered Customs House Brokers' Association and approved by the Minister.

The Deputy Minister may appoint a departmental officer to act as Secretary to the Committee.

The Collector shall forward to the Deputy Minister, for the consideration of the Committee—

(*a*) All applications for licence to transact business as a broker;

(*b*) All correspondence bearing on applications for licences;

(*c*) Correspondence and other documents involving alleged irregular practices on the part of brokers.

The Committee shall meet at such times as it may designate or at the call of the Chairman.

4. *Application for Licence.*

Application for a licence to transact business as a broker shall be made, in duplicate, in the appropriate prescribed form or forms, to the Collector at the port where the applicant proposes to transact Customs business.

The application for licence shall contain the full name and residence address of the applicant, including in the case of a firm the name and address of each partner or member thereof, and in the case of a corporation the name and address of each of the directors.

Customs Act—*continued*

When an application for a licence is received the Collector shall, without delay, forward the duplicate copy thereof to the Deputy Minister, and shall post a notice in a conspicuous place or places in the Customs-house, stating the name and address of the applicant, which notice shall state in the case of a firm the name and address of each of the partners or members thereof and in the case of a corporation the name and address of each of the directors.

The Deputy Minister shall cause notice of the application to be published in the next issue of *The Canada Gazette.*

After the notice has remained posted in the Customs-house for two weeks, the Collector shall forward to the Deputy Minister a report containing his recommendation, together with any letters of protest against the issuance of a licence which have been received by him.

The Deputy Minister shall in due course place the application, letters of protests if any, and other relative correspondence before the Committee, which, after verifying by investigation, if deemed necessary, the statements made in the application, shall make such recommendation to the Minister as the facts appear to warrant.

5. *Qualifications of Applicants.*

Following are qualifications requisite in the applicant before a licence to transact business as a broker is granted,—

The applicant including each partner or member of a firm, and the majority of the directors of a corporation, shall,—

(*a*) Be a British subject resident in Canada;
(*b*) Be of the lawful age of twenty-one years;
(*c*) Be of good character and in good repute;
(*d*) Have an adequate education and such knowledge of the laws and regulations relating to Customs matters, and the procedure in transacting business at Customs, as will enable such applicant to render to clients proper and efficient service, or in the case of directors of a corporation, to exercise control and responsible supervision over the business;
(*e*) Have financial credits adequate to protect the interests of the Crown and of clients, and commensurate with the volume of business expected;
(*f*) Not have been an officer in the service of the Customs or Excise Divisions of this Department within two years of the date of application for licence, except with the consent of the Minister;
(*g*) Undertake to establish and maintain a suitable Customs brokerage office.

6. *Suspension and Revocation of Licences.*

Any officer of Customs and Excise who has reason to believe that a broker has violated any provisions of the Customs and Excise laws or regulations, or who has received a complaint against any such broker, shall make a written report thereof to his Collector, who shall forward same to the Deputy Minister.

All such reports or any other complaints received, with supporting evidence if any, shall be placed before the Committee, which, if it deems that the complaint is sufficient, if proven, to warrant either suspension or revocation of the licence, shall proceed in the following manner,—

Customs Act—*continued*

(*a*) Notify the licensee in writing by registered mail of the charge against him, including a clear and concise statement of the acts which it is claimed constitute ground for suspension or revocation of his licence, and shall in such notice give the licensee fifteen days in which to reply;

(*b*) The licensee so charged shall file his defence, in writing, within fifteen days from the date of mailing of the said notice, unless on his own written request the time has been extended by the Committee;

(*c*) After the defence in writing has been received, the Committee may request the licensee so charged to appear personally before it at a time and place appointed by the Committee, and/or may request any of the persons mentioned in Section 134A of The Customs Act to conduct an investigation into the matter, under the said section: Provided, however, that the licensee shall have the right to appear before the Committee if he so desires;

(*d*) The Committee shall make its findings as to the facts and shall submit its recommendation to the Minister, and no licence shall be either suspended or revoked until such finding and recommendation are considered by the Minister;

(*e*) The suspension or revocation of a licence shall become effective upon the licensee being notified in writing by the Collector, and the notice shall be deemed to have been given him when sent by registered mail.

7. *Causes for Revocation of Licences.*

Causes sufficient for suspension and/or revocation of a licence shall include, but shall not be limited to,—

(*a*) Refusal or neglect to comply with Customs and Excise rules and regulations;

(*b*) Fraud or intent to defraud the Crown or a client;

(*c*) The discontinuance by a licensee of the active business of a broker at the port where such licence was issued;

(*d*) Conviction of any indictable offence;

(*e*) Making false answers in the application for licence, knowing the same to be false;

(*f*) Suggesting to a client or to a prospective client an illegal plan for avoiding payment of Customs duties or Excise or other Dominion taxes, knowing the same to be illegal;

(*g*) The using, with intent to deceive, of false, or misleading representations to procure employment in any case or proceeding before any division of the Department or before the Tariff Board;

(*h*) Giving, with intent to deceive, false or misleading information relative to a matter pending before any division of the Department or before the Tariff Board, to any officer or agent of the Department;

(*i*) Imparting to a client false information relative to the progress of a case or other proceeding before any division of the Department or before the Tariff Board, knowing the same to be false;

(*j*) Misappropriation of funds received from clients for the purpose of payment of Customs duty, Excise duties, Excise taxes, Income taxes, or other obligations due the Crown, or of other property belonging to a client;

Customs Act—*continued*

(*k*) Retention of a fee from a client for which no services have been rendered, or charging an exorbitant fee, or charging more for disbursements than was disbursed;

(*l*) Obtaining or attempting to obtain money, securities or other things of value from the Crown, or from a client or other person, by false representations, knowing the same to be false, or by duress or undue influence;

(*m*) Representing to a client or prospective client that the licensee can obtain extraordinary favours or concessions from any division of the Department or from any officer or employee thereof, or has access to unusual sources of information within the Department;

(*n*) Failure to fulfil the duties and obligations of a broker as set forth in section 8 of these regulations.

8. *Duties and Obligations of Brokers.*

(*a*) Every broker shall keep adequate records of all his financial transactions as a broker, and shall also keep on file a record of every entry made by him, and copies of all correspondence, bills, accounts, statements, and other papers relating to his Customs business; and he shall retain and preserve all such records for a period of six full calendar years;

(*b*) All the records referred to in (*a*) shall be available for examination at any time by any Customs officer, and no broker shall refuse access to, conceal, remove or destroy the whole or any part of any such records;

(*c*) Brokers shall furnish to their clients, as a voucher, a copy of each Long Room entry passed on their behalf, duly stamped with the official "Duty Paid" stamp, and, in the case of Small Collections entries, either a copy of the invoice, a copy of the Appraisal Note Form E.46, or a copy of a list of parcels cleared at the same time, duly stamped as aforesaid;

(*d*) No broker shall employ in the capacity of Customs Entry Clerk with power of attorney, by delegation or otherwise,——

(1) Any person whose application for a licence as an individual has been refused on the ground that he is not of good character; or any person whose lack of good character has been the cause of the refusal of a licence to a firm or corporation;

(2) Any person who has been licensed as a broker and whose licence has been revoked, or any person whose conduct as a partner, director, officer or servant has been the cause of the revocation of any broker's licence; or,

(3) Any broker whose licence is under suspension, or during the period of such suspension, any person whose conduct as a partner, director, officer or servant has been the cause of such suspension, nor shall the licensee, without the approval of the Minister, whose decision shall be final, employ in any capacity in his business as a broker any such person described in paragraphs (1), (2) or (3) hereof, or permit any such person to share or participate in, either directly or indirectly, any fees or emoluments, or to engage in any way in the promotion, control or direction of the Customs brokerage business;

(*e*) No broker shall, except with the consent of the Minister, employ in any capacity in his business any person who is or has been an officer in the service of the Customs and Excise Divisions of this

Customs Act—*continued*

Department until after the lapse of two years from the date of the termination of such government service, nor shall any Customs-house broker during the period of such officer's government service, or the said two year period following, consult or accept assistance from, or share fees with, any such officer or former officer of the Department.

(*f*) No broker shall suggest to a client or prospective client a plan known by him to be illegal for avoiding payment of any duty, tax, debt or other obligation due the Crown;

(*g*) Every broker who knows that a client has not complied with the law or has made an error in or omission from any document which the law requires such client to execute, shall advise his client promptly of the fact of such non-compliance with the law, and if any such client then fails to comply with the law the facts shall be reported to the Collector by the broker;

(*h*) Every broker shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any Customs business;

(*i*) No broker shall withhold from a client information relative to the Customs business of such client;

(*j*) Every broker shall pay over to the Government when due all sums received for the payment of any duty, tax or other obligation owing to the Crown, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the charges properly payable in respect of the client's business;

(*k*) No broker shall prepare or file, or procure or assist in the preparation or filing of any claim, return, statement, or other document, known by such broker to be false;

(*l*) No broker shall procure or attempt to procure directly or indirectly information from government records or other government sources of any kind to which access is not granted by proper authority;

(*m*) No broker shall attempt to influence the conduct of any public officer by use of a threat, false accusation, duress, or the offer of any special inducement or by the bestowal of any gift or fee;

(*n*) No broker shall lend money to any Customs or Excise officer, nor become surety for the repayment of money borrowed by any such officer;

(*o*) Every individual, every member of a firm, and every director of a corporation, whose name appears on the application for licence, will be held responsible for the conduct of the business.

9. *Fees.*

(*a*) Every broker shall pay annually to the Collector at the port where the licence is issued, before the first of April, a fee, according to the following scale, for a licence to transact business at

a port Grade 8, $50 per year
a port Grade 7, $35 per year
a port Grade 6, $25 per year
a port Grade 4 or 5, $15 per year
a port Grade 1, 2 or 3, $10 per year
an outport only, $10 per year;

Customs Act—*continued*

(*b*) When there is a change in the legal existence of a licensee as in the case of an individual or a firm (see section 2, paragraph (*h*)), the licence fee currently in force shall be paid upon issuance of the new licence;

(*c*) While a new licence is required when there is a change in the directorate of a licensed corporation (see section 2, paragraph (*d*)), no further fee is payable, the existing licence having been issued to the corporation, whose legal existence has not been affected by reason of a change in the directorate;

(*d*) The new licence, which is in fact a substitute licence, shall bear the same serial number and the same date of issuance as the original licence, the only change being in the names of the directors;

(*e*) When application for a new licence (not a renewal of an existing licence) is made and issuance of the licence is approved by the Minister, the person, firm or corporation so licensed shall pay to the Collector, upon issuance of the new licence, a fee to cover the remainder of the fiscal year, computed on the basis of one-twelfth of the licence fee currently in force for each month or portion of month from the date of issuance of the licence to the end of the fiscal year;

(*f*) The fees paid for brokers' licences shall be held by the Collector until the new licence is issued or the old one renewed, as the case may be, and shall then be deposited forthwith to the credit of the Receiver General of Canada as Sundry Collections.

10. *Powers of Attorney, after change in broker's business status.*

(*a*) In the case of change in the legal business status of a licensee, e.g., an individual licensee forms a co-partnership or a joint stock company, or there is a change in the membership of a co-partnership, or a co-partnership forms a joint stock company, new powers of attorney are required, the old powers of attorney having become void when the legal business status of the agent named therein changed;

(*b*) When it becomes necessary to obtain new powers of attorney from clients the broker shall proceed to obtain same with reasonable dispatch; to ensure continuity of service the old powers of attorney may be used in the meantime, but the Collector shall report to the Deputy Minister any undue delay in this regard.

11. *Forms.*

(*a*) The following forms have been approved:

M 50 Licence Customs-house broker: Individuals.
M 51 Licence Customs-house broker: Incorporated associations or joint stock companies.
M 52 Licence Customs-house broker: Co-partnerships or unincorporated associations.
M 53 Renewal of licence.
L 50 Application for Licence: Individuals.
L 50A Application for Renewal: Individuals.
L 51 Application for Licence: Incorporated associations or joint stock companies.
L 51A Application for Renewal: Incorporated associations or joint stock companies.

Customs Act—*continued*

L 52 Application for Licence: Co-partnerships or unincorporated associations.

L 52A Application for Renewal: Co-partnerships or unincorporated associations.

(*b*) Application forms for licences or for renewals of licences are available at all offices of Collectors of Customs and Excise.

APPENDIX I

Form of Bond to be filed with new or renewal applications for customs-house brokers' licences submitted by applicants, referred to in subsection (*k*) of section 2 of the regulations respecting licences for customs-house brokers.

KNOW ALL MEN BY THESE PRESENTS that I .... of ..... (hereinafter called the Principal) and the ..... (hereinafter called the Surety) in consideration of an annual premium are jointly and severally bound unto His Majesty the King as represented by the Minister of National Revenue in the Dominion of Canada and the individual clients of the Principal, (hereinafter called the Obligee), in the sum of Two thousand—00/100 Dollars ($2,000) of lawful money of Canada to be paid unto the said Obligee, his successors or assigns, for which payment well and truly to be made we jointly and severally bind ourselves and our respective heirs, executors, administrators and assigns firmly by these presents.

WHEREAS the Principal has made application for Customs-House Brokers licence pursuant to the provisions of "The Customs Act", and is required pursuant to the Regulations with respect thereto to furnish and maintain security in the sum of Two Thousand—00/100 Dollars ($2,000) lawful money of Canada for the purpose of securing due performance of the contracts entered into by the Principal relating to the fulfilment of the obligations imposed on the said Principal by the said Regulations.

NOW, THE CONDITION ON THE ABOVE WRITTEN OBLIGATION IS SUCH that if the Principal shall well and truly perform the said contracts and fulfil the obligations imposed by the Customs Act, the Excise Act, the Special War Revenue Act, the National Emergency Transitional Powers Act, 1945, and the Regulations established thereunder, then this obligation shall be void, otherwise shall be and remain in full force, virtue and effect.

PROVIDED that if the Surety shall at any time give thirty days' notice in writing to the Obligee of intention to terminate the obligation hereby undertaken, then this obligation and all liability of the Surety hereunder shall cease and determine so far as concerns any act or dealing on the part of the Principal subsequent to the termination of the obligation hereby undertaken, but otherwise shall remain in full force, virtue and effect in respect of any Act or dealing on the part of the Principal from the date hereof to the date of such termination.

IN WITNESS WHEREOF the Principal and Surety have hereunto set their hands and seals this..... day of ....., 19....

Customs Act—*continued*

44a. Ships' Stores

D 19, 1st. Rev.
17th December, 1947.

The following instructions respecting the delivery of goods as Ships' Stores under the provisions of the Customs Act, section 98, are required to be observed, viz.:—

1. Warehoused goods are to be delivered as Ships' Stores only at a warehousing port.

2. Such stores are to be delivered ex-warehouse only to vessels bound on a voyage to a port out of Canada, to vessels engaged in trade between an Atlantic port and a Pacific port of Canada, and to fishing vessels clearing direct for the deep sea fisheries from the port where the stores are ex-warehoused, and are to be transferred to such vessels in the presence of a Customs Excise officer.

3. The master or owner of the vessel shall prove, by affidavit, to the satisfaction of the Customs Excise officer at the port of clearance, that the stores to be ex-warehoused are necessary and intended for the purpose of the voyage. Goods delivered free of duty as Ships' Stores must be accounted for on Entry Form B-8.

4. Imported goods are not to be used in the Coasting Trade as Ships' Stores without payment of duty.

5. It is the duty of Customs Excise officers delivering goods ex-warehoused as Ships' Stores, to see that only such quantities are thus delivered as are reasonably necessary for the purpose, and that they are intended to be used only on vessels bound on voyages as aforementioned.

6. The list of articles which may be usually ex-warehoused free of duty as Ships' Stores is as follows:—

Bread and biscuit.
Butter.
Clevo Clean.
Coal for steamers on outward voyage to British or foreign ports. (Except as otherwise ordered by the Department coal shall not be delivered out of warehouse duty free as Ships' Stores for any vessels clearing from the Port of Montreal or any ports east thereof.)
Chocolate.
Coffee and cocoa or cocoa paste.
Dried or canned fruits.
Flour and meal.
Lard.
Meats, salted, dried or canned.
Mineral waters, bottled or not.
Molasses or syrup.
Oils, viz: Fuel Oil.
Illuminating Oil.
Lubricating Oil.
Kerosene or coal oil over ·725 Specific Gravity.

Customs Act—*continued*

Paint.
Rice.
Split peas.
Sugar.
Tea.
Vinegar.
Tobacco (including cigars and cigarettes).

The quantity of tobacco which may be ex-warehoused as Ships' Stores is limited to one pound per month, during the voyage, for each person carried on board the vessel, and the delivery of tobacco as Ships' Stores is limited to fishing vessels clearing direct for the deep sea fisheries and to vessels bound on a voyage to an ocean port out of Canada, the probable duration of which voyage out and home will not be less than fifteen days, in the case of such vessels and fishing vessels.

Clam bait and Porgies may be ex-warehoused as Ships' Stores, when required for *Canadian* fishing vessels clearing direct for the deep sea fisheries.

Spirituous liquors and wines may also be delivered ex-warehouse as ships' stores in the following special instances, viz.:—

(*a*) To vessels bound on a voyage to an ocean port outside of Canada.
(*b*) To yachts of not less than 50 tons register, belonging to a recognized Yacht Club, bound on a voyage to an ocean port outside of Canada.

7. *Surplus Stores of Coal.*—The surplus stores of coal on board steamships arriving from places outside of Canada are subject to duty on importation, unless the steamer takes clearance for a port outside of Canada, either directly or via a Canadian port, on the succeeding voyage: Provided, in any case, that coal for fifteen days' consumption on board the steamship shall be exempt from duty and not cleared as *surplus stores*, until otherwise ordered, and that surplus stores of vessels may be warehoused as provided in section 66 of the Customs Act.

8. A certified list of Ships' Stores (Form E. 1) in duplicate, should be attached to inward reports of vessels reporting inward from sea. One copy is to be filed for future reference and the other copy is for use of the officer in charge of the vessel when checking the Ships' Stores, which stores are, after such check, to be sealed until the vessel has reported outward. Entry should be required, however, for surplus stores under the provisions of section 66 of the Customs Act. When a ship reporting inward has no cargo it should be clearly stated on the report inward whether the ship is in ballast, or ballast and Ships' Stores, as the case may be.

Consumable stores in possession of the master, officers and crew, or held by anyone for sale or distribution to members of the crew, and not to be landed, are required, after report, to be sealed in a manner similar to Ships' Stores and remain sealed while the vessel remains in port.

9. While a vessel is in port, Collectors may have their officers break seals on stores sealed on the vessel and release a reasonably sufficient quantity for the immediate use of the officers and crew; provided the stores are resealed immediately thereafter.

D. SIM
Deputy Minister of National Revenue,
Customs and Excise

46917—33½

Customs Act—*continued*

44b. —Ships' Stores—Aircraft

P.C. 214/6181

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 4th August, 1943.

The Board recommend that the following regulation be established under the authority of subsection (*t*) of section 284 of the Customs Act and section 94 of the Special War Revenue Act:—

"The Minister of National Revenue may define and limit the kind, quantity and class of goods which may be delivered out of warehouse as ship's stores for aircraft, and also the kind, quantity and class of goods arriving in Canada as ship's stores of aircraft which may be used free of duty on board such aircraft in Canada, or which may be treated as surplus stores of aircraft, and any such goods within the definition or limitation so established may be delivered out of warehouse as ship's stores for aircraft for any aircraft bound on a voyage to any place out of Canada upon proof being made by affidavit of the owner or pilot or his agent to the satisfaction of the proper officer that the stores are necessary and intended for the purposes aforesaid.

This regulation shall have effect from and after September 10, 1939."

N. A. ROBERTSON,
Clerk of the Privy Council.

SHIPS' STORES—AIRCRAFT

D. 19, 1st Rev.
17 December, 1947

Under the provisions of Order in Council (P.C. 214/6181) of the 4th August, 1943, effective on and after 10th September, 1939, warehoused goods may be delivered as Ships' Stores to any aircraft bound on a voyage to any place out of Canada, provided such goods are delivered at a warehousing port and accounted for on Entry Form B. 8, in such quantities as are reasonably necessary for the flight. Such stores are to be transferred to the specified aircraft in the presence of a customs-excise officer.

D. SIM,
Deputy Minister of National Revenue, Customs and Excise.

Customs Act—*continued*

45. Consolidated Departmental Regulations Governing Aircraft for Pleasure Purposes

Series D No. 7
(Revised)

Authority, Customs Act, sect. 302

DEPARTMENT OF NATIONAL REVENUE
(Customs Division)

October 31, 1949.

Herewith are printed the regulations respecting aircraft imported temporarily by non-residents and exported temporarily by Canadian residents, for pleasure purposes.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

Aircraft Imported Temporarily by Non-Residents for Pleasure Purposes

1. *Advance Notice of Arrival*

(*a*) Prior to departure for Canada from a foreign airport, advance notice of date and approximate time of arrival shall be given to the proper officer of Customs.

(*b*) Advice to Customs officers as to time and place of first arrival at a Canadian Customs airport shall be forwarded by mail, telephone or telegraph. If considered advisable, the tourist may request the Canadian Customs officer to furnish a reply, which can then be carried into Canada by the pilot. The importance of this will be realized when one considers the possibility of overflying the intended airport or landing at another place by mistake or making a forced landing, in all of which cases the reply from the Canadian Customs officer will assist in establishing the *bona fides* of the tourist in making his report to Customs or the Royal Canadian Mounted Police, as the case may be. Without such a telegram the tourist's presence at a place where no advance notice of his arrival had been received might render him subject to suspicion.

(*c*) Advance notice as referred to above will not be necessary if first landing is to be made at Dorval Airport, Montreal, P.Q., and Malton Airport, Toronto, Ont., at which points 24-hour service is maintained.

2. *Formalities on landing*

(*a*) First alighting of the aircraft shall be made at a Customs airport or airfield designated as such by the Department. A list of the Customs Airports and Airfields of entry is included in the List of Ports.

(*b*) On arrival, the owner or pilot of the aircraft shall report to the proper officer of Customs.

Customs Act—*continued*

(*c*) Provided he is satisfied that the aircraft is being imported and will be used by a non-resident for purposes of health and pleasure only and not for trade or profit, the Customs officer may issue Permit Form C-15 for a period not exceeding 3 months.

(*d*) Should subsequent landings be made in Canada prior to final departure, no report at Customs is necessary provided the owner or pilot is in possession of a valid Form C-15. However, he shall produce the same to Customs or airport officials, or police authorities on request, as evidence of his right to alight without report at Customs.

3. *Formalities on Departure*

The owner or pilot of the aircraft shall, prior to the final take-off for departure from Canada, which shall be made from a Customs Airport or Airfield designated as such by the Department, report to the proper officer of Customs and surrender Permit Form C-15.

4. *Fees and Charges*

(*a*) No fee will be collected for Customs attendance in connection with reports inward and outward of aircraft for pleasure purposes, or for the issuance of Form C-15.

(*b*) No charge for the transportation of an officer to and from the flying field will be made when first landing or final departure takes place at a Customs Airport or Airfield where full time Customs service is provided, or during the period of the day when an officer is regularly on duty at airports or airfields which have only part time Customs service. However, the expense of an officer's transportation to and from an airport or airfield to provide service shall be repaid by the parties accommodated when such service is requested and provided at (i) airports or airfields outside the hours during which a Customs officer is regularly on duty, and (ii) airports or airfields at which no Customs officer is regularly on duty.

AIRCRAFT EXPORTED TEMPORARILY TO THE UNITED STATES, ALASKA AND NEWFOUNDLAND BY CANADIAN RESIDENTS FOR PLEASURE PURPOSES

5. In simplifying the requirements for the reporting of pleasure aircraft the Department has waived the necessity of the pilot (or tourist) furnishing written outwards and inwards reports in respect of aircraft under Canadian registry owned by residents of Canada and operated by them for purposes of private flying only and not for transportation of goods or passengers for gain or hire. Departure must be made from, and the first landing on return must be made at, a Customs airport or airfield of entry and exit.

It is obvious that some means of identification of Canadian machines must be provided in order that the way may be open for their return without being liable to assessment of duty and taxes.

The Department has authorized a special identification form (Form E. 61) for this purpose. Particular attention should be paid to the fact as to whether or not the aircraft is supplied with heater, radio, etc. Note of the serial numbers of the tires, engine and propeller should be taken.

Customs Act—*continued*

(C-15)

Port of ..... 19....

Permission is hereby given to (1) ....., of

.....

.....

to keep and use in Canada for the purposes of health or pleasure during the season from date of this Permit to (2) .....

.....

the aircraft described as (3) .....

The conditions of this Permit require that report inwards shall be made at the first Customs port entered, in accordance with the provisions of the Customs Act; that the aircraft above described shall not be used at any time or in any manner for purposes of trade or profit, and that the said

(4) .....

solemnly engages and promises that he will not permit any act to be done in connection with the use of the said aircraft in violation of the revenue or navigation laws of Canada (5); and will surrender this Permit when leaving Canada to the Collector of Customs and Excise at the Customs Airport or Airfield from which aircraft proceeding abroad takes off (6).

Accepted under conditions herein provided.

.....

(Signature of Applicant Owner or Pilot)

.....

Collector of Customs and Excise.

(1) Name and address of non-resident owner.

(2) This date may be for a period of not more than three months.

(3) Name, if any, registration marks and numbers with necessary description for identification.

(4) Name of owner.

(5) The full penalties of the law will be enforced if this condition of the Permit is violated, including cancellation of Permit.

(6) Neglect or refusal to surrender this Permit at the date of expiration thereof, by the person to whom granted, will subject him to the penalties provided by law.

Customs Act—*continued*

E. 61

Identification of Aircraft under Canadian Registration on Return to Canada from Abroad after having been Exported for Pleasure Purposes

This is to certify that the aircraft, as described below, was exported for pleasure purposes on this date and is entitled to re-entry without payment of customs duty and taxes on its return on the machine and its auxiliary equipment, as noted hereunder:

Specifications of Aircraft

Registration No. .....

Name of Manufacturer .....

Designation or Model No. .....

Number and make of Engine(s) .....

Serial No. of Engine(s) .....

Serial No. of Propeller(s) .....

Serial No. of Rubber Tires .....

Heater (?) .....

Radio Equipment (?) .....

Particulars of Personnel

Name and address of Owner of Aircraft:

Name and address of Pilot of Aircraft:

Number of passengers carried:

Dating Stamp of Port of Exit

.....

(Signature of Customs Officer)

Caution to Owner or Pilot:

1. This authority is given and accepted on the condition that the aircraft herein noted will be used for purposes of private flying only and not for the transportation of goods or passengers for gain or hire.

2. First landing and return to Canada must be made at an authorized Customs Airport or Airfield of entry.

3. Under the law all persons returning to Canada must, whether questioned or not, report to the Customs officer on arrival all goods in their possession whether dutiable or free which were purchased or otherwise acquired while out of Canada. Failure to do so may result in the forfeiture of the goods and possible seizure of the aircraft.

Customs Act—*continued*

46.—Drawback regulations—Newfoundland

Series D No. 17
D.B. 23

DEPARTMENT OF NATIONAL REVENUE

Customs and Excise Divisions

14th February, 1949.

In respect of goods eligible for drawback exported from Canada to Newfoundland on and after March 1, 1949, intended for delivery there prior to the effective date of confederation, the Minister has directed that claims for drawback in respect of such commodities will not be approved unless a certified copy of the relative Newfoundland Customs entry for home consumption verifying clearance at Customs in Newfoundland on or before March 31, 1949, is attached thereto.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

47.—Consolidated Departmental Regulations Governing Travellers' Vehicles

Series D No. 8
(2nd Revision)

DEPARTMENT OF NATIONAL REVENUE

(Customs Division)

June 11, 1949.

Regulations respecting the temporary importation of automobiles and other vehicles into Canada by non-residents, and the temporary exportation therefrom of such vehicles by Canadian residents.

The term "automobile" herein is held as including the outfit forming part of the vehicle or being an accessory thereof. A separate permit is not required for a trailer.

Similar permits to those provided in respect of travellers' vehicles may be issued under the same conditions in regard to motorcycles and bicycles, as well as teams and carriages imported by non-residents, or exported by residents.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

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Customs Act—*continued*

AUTOMOBILES IMPORTED BY NON-RESIDENTS FOR TRANSPORTATION PURPOSES

1. Automobiles imported by non-residents for their personal transportation may be admitted without the payment of duty thereon, under Travellers' Vehicle Permit (Form E.50), subject to the following regulations:—

(*a*) On arrival at the frontier Customs port of entry, the driver of the automobile shall report at Customs and apply for a permit. The applicant for a permit shall be a non-resident of Canada and a temporary visitor therein. He, or she, shall be the owner of the automobile, or a member of the immediate family of the owner, who is also a non-resident of Canada, or shall be able to produce written authority from the owner to use such vehicle.

(*b*) The automobile shall be admissible only when imported for the use of the non-resident permit holder for the transportation of such non-resident, his family and guests, and such incidental carriage of articles as may be necessary and appropriate to the purposes of the journey, but not to be used for the transportation of persons or articles for hire, nor in any case primarily for the carriage of articles. The use by any other person than the non-resident permit holder shall result in seizure and forfeiture of the vehicle.

(*c*) No fee is to be collected for Customs attendance at any time in connection with the entry of travellers' automobiles.

2. *Temporary Admission, Forty-Eight Hours, at Ports and Outports on the Frontier Only.*

In respect of automobiles entering Canada for a stay not exceeding forty-eight hours, when the Collector or Sub-Collector is satisfied that conditions of subsections (*a*) and (*b*) of section 1 are complied with, he is authorized to permit entry upon the owner surrendering his State licence card, which will be returned to him on the return journey. In such cases, the use of Form E.50 may be dispensed with.

3. *Travellers' Vehicle Permits for a Period not Exceeding Sixty Days.*

In respect of automobiles entering Canada for a period not exceeding sixty days, the Collector, if satisfied that the conditions stipulated in subsections (*a*) and (*b*) of section 1 are complied with, may admit the vehicle without formal entry and may issue a permit on Form E.50 for a period not exceeding sixty days.

(*a*) Should a traveller who has been granted a sixty-day permit desire an extension for a further period up to six months from the time of original entry, he may, upon presentation of the permit before the expiry date of same, apply for such extension to any Collector or Sub-Collector of Customs and Excise, who, upon being satisfied as to the *bona fides* of the use of the automobile, may issue a new Form E.50 and retain the expired permit for cancellation.

4. *Travellers' Vehicle Permits for a Period in Excess of Sixty Days.*

(*a*) If, on reporting at the Customs frontier port of arrival, the non-resident owner of an automobile desires a traveller's vehicle permit for a period in excess of sixty days, the Collector, if satisfied that the conditions stipulated in subsections (*a*) and (*b*) of

Customs Act—*continued*

Section 1 are complied with, may admit the vehicle without formal entry and may issue such permit on Form E.50 for the period designated by the traveller, such period, however, in the first instance, not to exceed six months.

(*b*) If, through accident, illness or other unusual circumstances, the exportation of the vehicle at the expiration of six months from the date of original entry cannot be effected, the matter shall be reported to the Deputy Minister of National Revenue for Customs and Excise, Ottawa, who, if satisfied as to the *bona fides* of the application, may authorize the extension of the traveller's vehicle permit for such additional period of time as may be necessary, and may specify the conditions under which such extension may be granted, and with what security.

COMMERCIAL VEHICLES

5. *Carrying Passengers Only.*

Automobiles, motor trucks and other motor vehicles, may enter Canada and return to the United States without payment of duty on such vehicles when employed in conveying passengers in transit across the frontier, provided they are employed only for through transportation of passengers (either or both ways) between a point or place in the United States and a point or place in Canada. After a careful examination and appraisal has been made of such vehicles to enable the Customs Officer to identify them on leaving the Dominion, Commercial Vehicle Permit (Form E.50-B) shall be issued by the Collector or Sub-Collector on his being furnished with:—

(*a*) a cash deposit equivalent to the duty and taxes payable on the automobile, or

(*b*) a bond of an approved guarantee company on Form D-3½, or

(*c*) the special bond of an approved guarantee company on Form D3-A.

On exportation of the vehicle under Customs supervision within a period of thirty days, the cash deposit shall be subject to refund or the bond to cancellation. In default of proof of such exportation within thirty days, the cash deposit shall be taken to account as Customs duty and taxes, and the provisions of the bond enforced.

6. *Carrying Goods.*

Automobiles, motor trucks and other highway vehicles, carrying goods (dutiable or not) for delivery to a point in Canada, may be admitted under Commercial Vehicle Permit (Form E.50-B), under the provisions of section 5 above if proceeding to an interior port with a load (and under the same section but without requiring a bond if the goods imported thereby are intended for delivery within the limits of the frontier port of arrival, provided the Collector is satisfied that security is not required), subject to due entry at Customs at the frontier port of arrival of all goods to be discharged in Canada, and the payment of all duties and taxes to which such goods may be liable, failing which they must be forwarded in bond under manifest by railway to the port of destination. Provided, however, that goods arriving by highway vehicles entitled to entry on Form B.4 or B.4½ as settlers' effects and goods for *bona fide* exhibitions or horses for racing purposes eligible for entry on Form B.18, may be allowed to proceed to interior destinations under Commercial Vehicle Permit for the vehicle, and Manifest Form A.8 for the goods, without convoy; the same

Customs Act—*continued*

privilege may be granted in respect of articles for special use and horses for breeding purposes, if the report and deposit required under Memoranda Series D No. 23 (Revised 1942) and No. 5 respectively, are not made at the frontier, in which case the report, and deposit (if any), shall be made at the port of destination.

(*a*) The exemption from duty prescribed in these Regulations shall not apply to vehicles used by peddlers with goods for sale; in which case duty and taxes are to be collected.

(*b*) The term "local traffic" used in this Regulation, and in the bond forms established in connection therewith, and the term "through transportation" shall not be held to prevent motor vehicles of foreign origin and not duty paid brought in by non-residents of Canada and *Used in the International Conveyance of Passengers* —from (i) discharging passengers at different points in Canada on the inward trip, provided such passengers are destined through direct from the point of embarkation to the point of discharge, or (ii) taking on passengers at different points in this country on the outward journey, provided the passengers so laden are destined through direct from the point of lading to a point in a foreign country. *This not to include the privilege of taking on passengers at one point in Canada and discharging such passengers at another point therein.*

7. *Arriving Empty to Obtain Load for Export at Frontier or Inland Port.*

Automobiles or motor vehicles of foreign origin and not duty paid, being driven into Canada to obtain a load for export, may be admitted under the provisions of section 6 if proceeding to an interior port for a load, and under the same section but without requiring a bond if obtaining the load within the limits of the frontier port of arrival, provided the Collector is satisfied that security is not required. Export entries must be required in respect of all goods exported by motor vehicle.

8. *Automobiles, Trucks and Other Vehicles Exported Temporarily by Residents of Canada.*

(*a*) Automobiles, trucks and other vehicles of Canadian origin, or duty paid in Canada, whether travelling under their own power or transported by rail or ship, may be exported, temporarily, upon execution of Form E.60. This Form (which may be issued and verified at any Port in Canada) and the relative Provincial Motor Vehicle Permit, are required to be shown to Canadian Customs when departing from or returning to Canada. This means of identification permits the car and equipment to be admitted without payment of duty and taxes, except upon the value of repairs and equipment acquired abroad, as noted in paragraph (*b*).

(*b*) If it became necessary, because of an accident, to have repairs made abroad in order to enable the vehicle to continue the tour and return under its own power, the compulsory repairs so made shall be exempt from duty and taxes, provided that such exemption from duty and taxes shall not be allowed on repairs exceeding $200 in value, except with the authority of the department. In cases where no accident to the vehicle has occurred, but tire casings or inner tubes, or both, have been replaced in the ordinary course, exemption from duty and taxes may be granted under this regulation on one tire casing and one inner tube only.

Customs Act—*continued*

(*c*) If additional equipment is installed and when the Provincial Motor Vehicle Permit expires, a new Identification Form E.60 is required.

9. *Vehicles Carrying Two-way Radio Installations, or "Mobile Telephones".*

Pending international arrangements whereby the apparatus may be utilized in either country, vehicles equipped with mobile telephones may be permitted entry into Canada under Traveller's Vehicle Permits or Commercial Vehicle Permits as the case may be, provided the installations are secured by Customs seals in such a manner as to prevent operation in Canada. After the installation has been placed under seal and noted on the permit form, the vehicle will be allowed to proceed. On report outwards the seal will be removed by the Customs Officer. Should the seal be found to have been broken or removed, the vehicle will be subject to seizure.

10. *Carrying Goods in Transit Only.*

Highway vehicles may enter Canada without payment of duty on such vehicles and return to the United States when employed in conveying goods (dutiable or not) in transit in bond through Canada from a point or points in the United States to another point or points therein, under the following regulations:—

(*a*) Motor vehicle operators desiring to become bonded carriers as provided for in these regulations shall make application to the Department of National Revenue, Ottawa, for the privilege, stating—

(*a*) the full name and address of the applicants;

(*b*) the number of motor vehicles owned and operated by them, and the total value thereof;

(*c*) the Canadian frontier ports of entry and exit through which their arrival in and departure from Canada will occur;

(*d*) the route to be travelled through Canada;

(*e*) whether they propose to transport goods—

(i) on their own behalf,

(ii) on behalf of one or more particular shippers or on behalf of shippers generally.

(*b*) Upon the application being approved, the applicant shall be required to submit to the Department the bond of a Guarantee Company acceptable to the Dominion Government in approved form as set forth in Appendix I hereof, in a penal sum to be fixed by the Minister not to exceed $80,000. the bond to remain in full force and effect for a period of twelve months unless revoked prior to expiration, and shall be subject to renewal thereafter annually with the approval of the Department.

(*c*) Upon approval of the bond the applicant will be authorized as a bonded carrier for the transportation of goods in bond by motor vehicle from one point in the United States to another point therein, in transit through Canada, via the ports of entry and exit and the route specified in the bond, subject to full compliance with Customs laws and regulations and in particular to those pertaining to the transportation of "in bond" goods.

(*d*) Motor vehicle operators who have not furnished the general bond provided for herein, but who have occasion to or are called upon to transport a single shipment of goods "in bond" through Canada, shall make

Customs Act—*continued*

application to the Collector at the frontier port of arrival in Canada for the privilege, specifying the route. The Collector may then permit the transportation of goods in bond by the particular motor vehicle by the specified route and for the single trip only, upon the production of a Guarantee Bond in the approved form as set forth in Appendix II hereof in a penal sum of not less than $1,000 and not exceeding $10,000. The procedure with respect to manifesting, checking, etc., to be followed with respect to the single trip bonded carrier will be the same in every particular as that provided for the bonded carrier operating under a general bond.

(*e*) As authority granted by these regulations is for "through" transportation of goods, the movement through Canada shall be continuous, except for—

(*a*) necessary stops for servicing the vehicle, or for the immediate needs of the driver, and

(*b*) stops occasioned through accident or emergency en route (*vide* sec. (*j*)).

Discharge of goods from bonded vehicles while in transit, through Canada for transfer to other vehicles, for storage, or for any other purpose (except as set forth in section (*j*) hereof), is not permitted.

(*f*) Goods arriving in Canada in bonded motor vehicles, or in compartments therein, which are regarded as secure by the Collector of Customs at the frontier port of arrival shall be sealed by Canadian Customs seals supplied by the Department at the expense of the parties accommodated and may be permitted to be transported in bond under these regulations without unloading and without examination. Goods which are not sealed or which, although sealed, are not regarded by the Collector as sufficiently secure, shall be checked against the manifest, and, at the discretion of the Collector, must be unloaded for this purpose if a satisfactory check cannot be accomplished otherwise.

(*g*) Where the nature of the goods or the type of vehicle used does not permit of the merchandise being placed under seal, or unnecessary time and labour would be involved in unloading and checking such goods, or for any other reason, the Collector may, in his discretion, permit the load to be moved in transit in bond under the convoy of a Customs Officer, at the expense of the party accommodated.

(*h*) A highway manifest, Customs Form A-8½, shall be prepared in quadruplicate by the carrier or the shipper, describing each shipment and shall be produced to the Collector at the frontier port of arrival in Canada. One set will be required for each motor vehicle, to be disposed of as follows:—

(i) the original to be retained at the frontier port of arrival;

(ii) one copy to be delivered to the driver of the vehicle to be presented by him to the Collector at the frontier port of exit;

(iii) another copy to be placed in a sealed envelope addressed to the Collector at the frontier port of exit and to be delivered to him by the driver of the vehicle, and

(iv) the fourth copy to be mailed direct to the Collector at the frontier port of exit.

Customs Act—*continued*

(*i*) At the frontier port of exit the Collector will receive from the driver his copy of the manifest and the copy forwarded under sealed cover. With respect to sealed vehicles, or sealed compartments therein, the Collector will satisfy himself that the seals are intact, will cancel the manifest by impressing the port dating stamp thereon, and will return one cancelled copy by mail to the port of issuance. In respect of materials which are not in sealed vehicles or sealed compartments, a detailed check of the packages shall be made against the manifest, the vehicles to be unloaded at the discretion of the Collector for this purpose if a satisfactory check cannot be accomplished otherwise, after which the manifest shall be cancelled and one cancelled copy returned to the frontier port of issuance. The second copy of the manifest shall be retained at the frontier port of departure for port record purposes. The copy of the manifest received by mail from the frontier port of issuance will be cancelled and mailed to the Department for record purposes.

(*j*) In the case of accident or other emergency en route, goods in an "in bond" motor vehicle may be transferred to another motor vehicle (bonded or otherwise). The driver shall report to the nearest Collector of Customs or officer of the R.C.M.P. (by telephone, telegraph or messenger) and request the attendance of an officer to supervise transhipment. The officer will endorse on both copies of the manifest carried by the driver particulars of the accident or emergency and details of the loss or damage to the "in bond" goods listed on the manifest (opening the envelope addressed to the Collector at the frontier port of exit for this purpose, and resealing thereafter). The supervising officer will take into custody any goods which, as a result of the accident or emergency, cannot be transferred or forwarded, reporting full particulars to the department for instructions. The salary and overtime of the supervising officer, together with actual and reasonable travelling and other expenses shall be repaid to the Department by the parties accommodated.

(*k*) Commercial Vehicle Permit Form E.50-B will be used for each through trip, but, a general bond having been previously filed which may be taken to cover both the goods and the vehicle transporting same, no further security will be required.

(*l*) The Minister may require repayment by the parties accommodated of the salary and overtime of officers at frontier ports of entry and exit who are assigned to the duty of checking shipments being transported in transit "in bond" through Canada as a special service.

(*m*) For the purpose of these regulations, the term "motor vehicle" means any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails. For manifesting purposes a separate manifest will be required for each type of vehicle forming a combination.

(*n*) The personnel in charge of motor vehicles operating under these regulations must be citizens of Canada or of the United States, and each will be required by the Immigration authorities and the R.C.M.P. to carry (*a*) his birth certificate, and (*b*) a certificate of identity signed by the

Customs Act—*continued*

manager of the transportation company concerned, bearing the photograph and a description of the holder and his signature. This requirement may be waived, however, in the case of a private owner transporting his own goods in his personally-owned vehicle for non-commercial purposes.

(*o*) Nothing in these regulations shall be taken as conferring authority to owners of United States trucks to operate over the Canadian Highways without the proper motor vehicle licence, issued by the appropriate Provincial authorities concerned, where required. It will be the responsibility of operators to make their own arrangements for licensing of their trucks with the Provincial Government Highways Departments.

(*p*) The in transit privileges referred to in Section 10 may be extended to trucks entering Canada with merchandise which is to be transferred to vehicles, railway cars, vessels or aircraft for export. When movements of this kind are undertaken the "port of exit" referred to in the preceding paragraphs of this section will refer with equal force to any port where a transfer is made. In all cases the transshipment will take place under Customs supervision and Highway Manifests cancelled by transshipment rather than by actual export will, in addition to any other information, carry a notation showing the remanifest number or numbers under which the merchandise went forward and the point where final export is to take place.

Transshipment must be made directly from the inward bound truck to a vehicle, railway car, vessel or aircraft operated by the second carrier or into a sufferance warehouse approved by the department.

Nothing in these regulations shall be construed as amending or cancelling in any way legislation or agreements controlling the movement of United States and Canadian freight between Pacific west coast ports.

Merchandise "in transit" must originate in and be destined for points outside of Canadian territory.

11. *In Transit Movements by Highway through the United States*

Canadian highway vehicles may enter the United States and re-enter Canada without payment of duty on such vehicles when employed in conveying passengers and their baggage and/or merchandise in transit in bond through the United States from one point in Canada to another point therein, under the following regulations:—

(*a*) Motor vehicle operators must comply with all United States regulations.

(*b*) The vehicles must be of Canadian manufacture or duty paid in Canada and covered by a Form E. 60 Permit.

(*c*) A Highway Manifest Customs Form A.8½ (Revised) is to be prepared in quadruplicate by the carrier or the shipper, describing each shipment and shall be produced to the Collector at the frontier port of departure from Canada. One set will be required for each motor vehicle or unit and will be disposed of in the following manner:

(i) the original to be retained at the frontier port of departure,

Customs Act—*continued*

(ii) one copy to be delivered to the driver of the vehicle to be presented by him to the Collector at the frontier port of re-entry,

(iii) another copy to be placed in a sealed envelope addressed to the Collector at the frontier port of re-entry and to be delivered to him by the driver of the vehicle,

(iv) the fourth copy to be mailed direct to the Collector at the frontier port of re-entry and after cancellation forwarded to the Department.

Sufficient detail must be shown on each manifest to enable the Customs Officer to accurately check the contents of the vehicle. Failure to declare any merchandise or any false declaration renders the goods and vehicle liable to seizure. The manifest will be given a Sending Port Number only, taken from the Register of Manifests Forwarded. Cancellation will be effected at the port of re-entry by placing thereon the Port Dating Stamp and the signature of the officer responsible for the examination of the vehicle.

(*d*) All vehicles carrying merchandise in transit through the United States must either be sealed or checked in detail at both exit and entrance. Where seals are not used this check must be carefully performed and wherever necessary or desirable the vehicles must be unloaded. All labour in loading or unloading must be supplied by the operator of the vehicle without expense to the Department and any vehicles not complying with this phase of the regulations will be refused transit.

(*e*) Yellow Ball Tyden Seals, serially numbered, are available on requisition for use at all frontier offices and these will be used wherever seals are applied and a charge of 25 cents will be made for each truck, trailer or semi-trailer, irrespective of the number of seals used to close the various openings on each vehicle. This charge will be collected from the parties accommodated at the actual time of sealing except where trucking companies are operating on a regular schedule and making more than twenty-five in transit trips in any one calendar month. In such cases a record may be kept and payment accepted promptly at the end of each month. The seals will be broken by a Customs Officer at the point of re-entry into Canada and if the seals have been broken in transit or a discrepancy is noted in the seal numbers, the contents of the vehicle must be checked out in detail against the manifest.

(*f*) The general regulations already provided with respect to bonding on casual trips and for general bonds for commercial vehicles operating on a more or less repetitive schedule will be applied to in transit movements through the United States in the same way as in transit movements through Canada. (See Section 10.)

(*g*) In the case of accident or other emergency en route while in United States territory, the driver shall report to the nearest United States Collector of Customs and safeguard the contents of the load

Customs Act—*continued*

pending instructions for transshipment or export by other means. The driver should also have his copy of the relative manifest endorsed by the proper United States officials to indicate exactly what happened and when the mechandise finally reaches the Canadian border it will be checked in detail at the expense of the operator.

(*h*) In some limited cases it may be possible to provide convoy officers on request and at the expense of the parties accommodated. This would be an alternative to unloading and checking at both ends of the journey. In rare cases where the merchandise enters or leaves Canada at a point where there is no Customs office the convoy arrangements are mandatory, but in all other cases they are subject to the discretion of the Collector and the availability of convoy officers. Requests which involve service for unreasonable distances should be refused. The parties accommodated must provide transportation for the officers in both directions, using taxis or company vehicles and also supplying room and board where such items are necessary. The charge for the officer's time will be at the rate of $1.50 per hour, minimum $3.00, but not to exceed a maximum of $24.00 for any twenty-four hour period during which the officer is continuously away from his home port.

(*i*) If any shortages are found indicating that merchandise has been left in the United States a full report should be forwarded to the Department in order that a check may be made against Export Permits, Export Entries and Foreign Exchange. If additional material is found to have been added to the load, standard seizure action will be taken. In order to avoid tracing difficulties a manifest should never be permitted to remain uncancelled for an unreasonable length of time. Customs Tyden Seal Record Form T.103 will be operated wherever seals are used and receipts for individual collections at the rate of 25 cents per vehicle will be issued on Form K.21 or any other suitable document.

(*j*) The Minister may require repayment by the parties accommodated of the salary and overtime of officers at frontier ports of entry and exit who are assigned to the duty of checking shipments being transported in transit "in bond" through the United States as a special service.

Customs Act—*continued*

APPENDIX I

GUARANTEE COMPANY'S SPECIAL BOND FOR MOTOR VEHICLES OPERATING AS BONDED CARRIERS OF MERCHANDISE IN TRANSIT THROUGH CANADA

KNOW ALL MEN BY THESE PRESENTS

That we,

(hereinafter called the Guarantee Company) are held and firmly bound unto His Majesty the King in the sum of ..... dollars, to be paid to His said Majesty, His Heirs and Successors, for the payment of which we bind ourselves and our assigns by these presents.

Whereas of has been granted permission to transport goods in bond through Canada, from a point or points in the United States of America to another point or points therein, by motor vehicle, without payment of duties and taxes, entering Canada at the Canadian frontier port of and departing from Canada via the port of , proceeding by the following route

Now, therefore, the condition of the above written obligation is such that if the said bonded carrier , his successors or assigns do, and shall export all goods that shall have been brought into Canada by him to be transported by motor vehicle "in bond" in transit through Canada and under manifest; and if the said bonded carrier conforms to and complies with the regulations established by the Minister of National Revenue relating to the transportation of "in bond" goods in transit through Canada for export by motor vehicle, and all Customs laws and regulations now in effect or which may be lawfully made hereafter by competent authority, the above obligation to be void; otherwise to remain in full force and effect.

It is a further condition of these presents that this said bond as between the Guarantee Company and His Majesty the King is to remain in full force and effect for the period of one year from the date hereof, subject to renewal annually thereafter with the approval of the Deputy Minister of National Revenue, and also subject to cancellation for cause at any time by the Deputy Minister of National Revenue.

In witness whereof the said company has hereunto affixed its Corporate Seal and by its..... ..... and ..... signed this Bond at..... this .....day of....., 19....

.....

.....
Witness

(Seal)

.....

Customs Act—*continued*

APPENDIX II

GUARANTEE COMPANY'S SPECIAL BOND FOR MOTOR VEHICLES IN TRANSIT THROUGH CANADA TRANSPORTING A SINGLE TRIP SHIPMENT OF GOODS

KNOW ALL MEN BY THESE PRESENTS

That we,
(hereinafter called the Guarantee Company) are held and firmly bound unto His Majesty the King in the sum of ..... dollars, to be paid to His said Majesty, His Heirs and Successors, for the payment of which we bind ourselves and our assigns by these presents.

Whereas of has been granted permission for one trip to transport goods in bond through Canada, from a point or points in the United States of America to another point or points therein, without payment of duties and taxes, entering Canada at the Canadian frontier port of and departing from Canada via the port of , proceeding by the following route by motor vehicle bearing Licence No. .....of the State or Province of.....

Now, therefore, the conditions of the above obligation are such that if within six days from the date of the original importation of the said motor vehicle and its contents as per report inwards thereof and manifest at the frontier customs house where this bond is delivered, the said motor vehicle and contents be withdrawn for actual export beyond the limits of Canada and proof of such export be filed in due course with the Collector at the said port, then the above obligation to be void; otherwise to remain in full force and effect.

In witness whereof the said company has hereunto affixed its Corporate Seal and by its..... ..... and ..... signed this Bond at ..... this .....day of....., 19....

.....

.....
Witness

.....
(Seal)

Customs Act—*continued*

Form D.3½

GUARANTEE COMPANY'S SPECIAL BOND FOR AUTOMOBILES ADMITTED TEMPORARILY

KNOW ALL MEN BY THESE PRESENTS

That we (*a*).....(hereinafter called the Guarantee Company) are held and firmly bound unto His Majesty the King in the sum of (*b*).....Dollars, to be paid to His said Majesty, His Heirs and Successors, for the payment of which we bind ourselves and our assigns by these presents.

(*a*) Name of Guarantee Company.

(*b*) Amount of duty and taxes on automobile.

Whereas permission is hereby requested to use in bond for commercial purposes in Canada a certain automobile manufactured by .....

.....

Manufacturer's No.....owned by.....resident outside of Canada at.....which said automobile and its outfit valued at $.....has been reported inwards at a frontier Customs House in Canada.

And whereas the said Guarantee Company *have* agreed to guarantee the due exportation of the said automobile and its outfit as provided by the Canadian Customs Regulations.

Now, therefore, the conditions of the above obligation are such that if within thirty days from the date of the original importation of the said automobile and its outfit as per Report inwards thereof at a frontier Customs House in Canada where this Bond is delivered, the said automobile and outfit be withdrawn for actual export beyond the limits of Canada and proof of such export be filed in due course with the Collector at the said port, then the above obligation to be void; otherwise to remain in full force and effect.

In witness whereof the said Company has hereunto affixed its Corporate Seal and by its Attorney-in-fact signed the bond at

.....this .....day of ..... 19....

..... (Seal)
Witness.

Customs Act—*concluded*

Form D.3-A

GUARANTEE COMPANY'S SPECIAL BOND FOR AUTOMOBILES USED INTERNATIONALLY

KNOW ALL MEN BY THESE PRESENTS

That we, ... (hereinafter called the Guarantee Company) are held and firmly bound unto His Majesty the King in the sum of..... Dollars to be paid to His said Majesty, His Heirs and Successors, for the payment of which we bind ourselves and our assigns by these presents.

Whereas permission is hereby requested to use in Bond for the carrying of passengers between a point in the United States of America and a point in Canada but not to be used for local traffic in Canada, a certain automobile manufactured by.....Manufacturer's No..... owned by..... Resident outside of Canada at.....which said automobile, valued at $.....is to be reported inwards at the Canadian Customs frontier port of..... as provided by the Canadian Customs Regulations:

Now, therefore, the condition of the above obligation is such that if within thirty days from the date of each original importation and report inwards on Form E.50-B of the above described automobile, the said automobile be withdrawn for actual export beyond the limits of Canada and proof of such export be filed in due course with the Collector of Customs and Excise at the said Canadian Customs frontier port then the above obligation is to be void, otherwise to remain in full force and effect.

It is a further term of these presents that this said bond as between the Guarantee Company and His Majesty the King is to remain in full force and effect for the period of one year from the date thereof and is to cover the said automobile for any number of such thirty days entries into Canada and exports from Canada within the said term of one year, provided, however, that the liability of the said Guarantee Company ceases upon the payment of any claim under this bond.

In witness whereof the said Company has hereunto affixed its corporate seal and by its Attorney-in-fact signed this bond at.....

this.....day of....., 19....

..... (Seal)
Witness.

CUSTOMS AND FISHERIES PROTECTION ACT. (R.S.C., 1927, c. 43)

1. *International code signals on vessels.*
2. *Port privileges—United States halibut fishing vessels on the Pacific coast.*
3. *Modus vivendi licences—United States fishing vessels visiting Atlantic coast ports.*

1. Regulations re International Code Signals on Vessels

P.C. 2169

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 24th day of July, 1935.

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS section 11 of the Customs and Fisheries Protection Act, chapter 43 of the Revised Statutes of Canada, 1927, reads as follows:

"11. If any ship, vessel, or boat, liable to seizure or examination under this or any Act of the Parliament of Canada does not bring to, when required so to do in the King's name by any commissioned officer of His Majesty's Navy, or any officer of customs or of the fisheries protection service, or person employed as such, or any stipendiary magistrate on board of any cruiser or vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the customs or fisheries, or upon signal made by any such Government vessel or cruiser by hoisting the pennant and ensign approved and appointed for such purpose by order of the Governor in Council, the master or officer in charge of such ship, vessel, or boat, shall incur a penalty of four hundred dollars.

2. The ship, vessel, or boat, may be seized and detained until such penalty is paid."

AND WHEREAS the Acting Minister of Fisheries reports that it does not appear that a pennant and ensign have been "approved and appointed for such purpose by order of the Governor in Council";

That the matter has been considered by the Departments of Fisheries, National Revenue and National Defence which are of opinion that the International Code Signal that is used in requiring vessels to stop would be the most suitable flags to use for the purpose of the above quoted section;

That under the existing International Code, this signal is "I.D." and is composed of two flags, one of which is a yellow flag, oblong in shape with a round black portion in the centre. The other is a pennant shaped blue flag with a round white portion in the centre.

Customs and Fisheries Protection Act—*continued*

NOW THEREFORE The Deputy of His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Fisheries, is pleased to order that the International Code Signal in current use for requiring vessels to stop, when flown by a Government vessel which is displaying the distinguishing ensign (and pennant if authorized) appropriate to her status, shall be and it is hereby approved and appointed for the purpose of requiring a vessel to bring to or come to a stop as provided for in section 11 of the Customs and Fisheries Protection Act, chapter 43 of the Revised Statutes of Canada, 1927, and section 151 of the Customs Act, chapter 42 of the Revised Statutes of Canada, 1927, amended.

N. A. ROBERTSON,
Clerk of the Privy Council.

2. Port privileges—United States halibut fishing vessels on the Pacific Coast

P.C. 5459

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Fisheries reports that special port privileges have under a reciprocal arrangement been granted for many years on an annual basis to United States halibut fishing vessels visiting ports on the British Columbia coast, and that these privileges have more recently been extended to cover sable fish (black cod) taken by halibut fishing vessels;

AND WHEREAS it is deemed desirable that the said privileges be continued during the calendar year 1950.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, is pleased, hereby, to authorize the grant of licences to United States halibut fishing vessels on the Pacific Coast engaging in fishing for halibut and sable fish (black cod) and visiting British Columbia ports during the calendar year 1950, covering the privileges specified hereunder, the fee on each such licence to be, as in the past, one dollar:

1. To purchase bait, ice, nets, lines, coal, oil, provisions and all other supplies and outfits.

2. To ship crews.

3. To land their catches without the payment of duties, and

(*a*) trans-ship them in bond to any port in the United States;

Customs and Fisheries Protection Act—*concluded*

(*b*) sell them in bond to such local dealer or dealers as may be properly authorized therefor by the Minister of National Revenue, which dealer shall export the same in compliance with the bonding requirements;

(*c*) sell them for use in Canada on payment of duty.

N. A. ROBERTSON,
Clerk of the Privy Council.

3. *Modus Vivendi* licences—United States fishing vessels visiting Atlantic Coast ports

P.C. 5460

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 27th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of Fisheries reports that for many years *Modus Vivendi* licences have been issued to United States fishing vessels visiting Canadian Atlantic Coast ports under which special privileges have been granted to them, and that it is desirable that these privileges be continued during the calendar year 1950.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries, is pleased, hereby, to authorize the grant of *Modus Vivendi* licences to United States fishing vessels visiting Canadian Atlantic Coast ports during the calendar year 1950, the privileges to be covered by such licences to be restricted, as in the past, to the purchasing of bait, ice, seines, lines and all other supplies and outfits; the fee on each such licence to be one dollar.

N. A. ROBERTSON,
Clerk of the Privy Council.

CUSTOMS TARIFF. (R.S.C., 1927, c. 44)

NOTE: (1) Changes made by Order in Council to the Customs Tariff are published as they are made in Part II of the *Canada Gazette,* but as such changes, if permanent, are subsequently included in the Schedules to the Customs Tariff they have been omitted from this Consolidation.

(2) Most-favoured-nation rates and other tariff concessions resulting from agreements and conventions, such as the General Agreement on Tariffs and Trade, are also published in Part II of the *Canada Gazette* as they are brought into effect. As such concessions are of a provisional character, even if for a term of years, they have not been included in this Consolidation. Information concerning the current tariff arrangements between Canada and any other country may be obtained from the Deputy Minister, Department of National Revenue, Customs and Excise, Ottawa, or from the Commissioner of Tariff, Department of Finance, Ottawa.

1. Definition of "direct shipment".

2. Articles not deemed of a class or kind made in Canada.

3. Return of Canadian contractors' equipment.

4. Duty free entry of animals for improvement of stock.

5. Importation of semen of pure bred animals for the improvement of stock.

6. Customs privileges for diplomats and others.

7. Temporary entry of circuses, etc.

8. Reduction of British content requirement for certain goods.

9. Certain goods to be marked with country of origin.

10. Marking of imported goods.

11. Privileges accorded I.C.A.O.

12. Charitable donations of clothing and books.

13. Prohibited importation of second-hand mattresses, etc.

14. Educational motion picture films.

15. Wire rope for rigging of vessels.

16. Free entry of pure bred domestic fowl for improvement of stock.

17. Entry of surgical dressings.

18. Free entry of white or Irish seed potatoes for propagation.

19. Free entry of pure bred rabbits for improvement of stock.

20. Regulations under Tariff Item 442.

21. Articles exported for repair, adjustment or test.

22. Regulations under Tariff Item 693.

23. Regulations under section 6, Customs Tariff.

24. Regulations under Tariff Item 709.

25. Tourists' outfits and travellers' baggage.

26. Engines and engine parts for fishing boats.

27. Prepayment of duty on advertising matter by customs duty stamps.

Customs Tariff—*continued*

1. Definition of "direct shipment"

P.C. 3659

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 2nd day of December, 1935.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS in order to secure uniform administration of the Tariff laws, an Order in Council (P.C. 1988) was passed on the 1st December, 1926, defining the words "direct shipment" in respect to goods imported into Canada from any British country entitled to admission into Canada at rates as low as or lower than the British Preferential Tariff;

This Order in Council provided under certain conditions for the trans-shipment of goods at a Port of a British country enjoying the benefits of the British Preferential Tariff;

AND WHEREAS section 3 of the Customs Tariff now provides that goods entitled to the benefits of the British Preferential Tariff may, under certain conditions, be transferred at a Port in any British possession;

AND WHEREAS the Minister of Finance reports that it would be advantageous to Canadian trade if a similar privilege be accorded to goods entitled to the benefits of the trade agreements between Canada and other British countries.

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, is pleased to cancel the Order in Council of the 1st December, 1926, (P.C. 1988) and it is hereby cancelled accordingly:

HIS EXCELLENCY in Council, in order to secure a uniform administration of tariff laws, is further pleased to order and it is hereby ordered that the words "direct shipment" or words meaning direct shipment, wherever they occur in the Customs Tariff or in any Trade Agreement, shall, as respect goods imported into Canada from any British country entitled to admission into Canada at rates of Customs duty as low as, or lower than the British Preferential Tariff, be held to mean conveyed into a sea, lake or river port of Canada, on a bill of lading from the country of origin, showing the ultimate destination to be Canada, without contingency of diversion, and without trans-shipment, except at a Port of any British country.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Tariff—*continued*

2. Articles not deemed of a class or kind made in Canada

P.C. 1618

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of July, 1936

PRESENT:

THE DEPUTY OF HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL on the recommendation of the Minister of National Revenue and under the authority granted by subsection ten of section six of The Customs Tariff, as enacted by the Act to amend The Customs Tariff assented to the 23rd day of June, 1936, is pleased to order and it is hereby ordered that articles shall not be deemed to be of a class or kind made or produced in Canada unless a quantity sufficient to supply ten per centum of the normal Canadian consumption of such article is so made or produced.

N. A. ROBERTSON,
Clerk of the Privy Council.

3. Regulations under which free admission may be granted on return of Canadian contractors' equipment exported

P.C. 2194

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 8th day of September, 1937

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Revenue, is pleased to make the following regulations, on compliance with which machinery and other equipment of Canadian manufacture, or on which duty has once been paid, the property of contractors resident in Canada, exported for use in fulfilling contracts obtained abroad, may be re-admitted without payment of duty or taxes, and the same are hereby made and established accordingly:

Regulations

Machinery and other equipment, of Canadian manufacture or on which duty has once been paid, the property of contractors resident in Canada, exported from Canada for use in fulfilling contracts obtained abroad, may be re-admitted without payment of duty and/or taxes to which they may be liable, subject to the following conditions:

I All articles comprising such contractors' outfits shall:

(1) Bear adequate marks of identification when capable of being so marked.

(2) Be exported under Customs supervision, the export entry to contain sufficient detailed description, including marks and serial numbers in respect of each article, for identification purposes on reimportation,

Customs Tariff—*continued*

(3) On reimportation be satisfactorily identified by an officer of Customs,
(4) Be returned to Canada within five years from the date of exportation,
(5) Remain the property of the contractor.

II Duty and/or taxes shall be paid on the value of any repairs, alterations or additions placed on articles of machinery and other equipment while abroad.

III The decision of the Minister of National Revenue as to the *bona fides* of any claim for entry under this regulation shall be final.

N. A. ROBERTSON,
Clerk of the Privy Council.

4. Regulations governing the duty free entry of animals for the improvement of stock

P.C. 2887

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 27th day of September, 1939.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

WHEREAS the Minister of National Revenue, with the concurrence of the Minister of Agriculture, is of the opinion that the existing regulations governing the duty free entry of animals for the improvement of stock, under Item No. 1 of the Customs Tariff, established by Order in Council P.C. 2507 of December 20, 1919, are insufficient to adequately protect and take care of the needs of the live stock industry in Canada;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue, is pleased to revoke the said regulations respecting free entry of animals for the improvement of stock, established by Order in Council P.C. 2507 of 20th December, 1919, and they are hereby revoked accordingly and the attached new regulations established in lieu thereof.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations

1. Animals shall not be permitted entry under Tariff Item No. 1 unless the importer furnishes to the Collector of Customs and Excise at the Port of Entry,—

(1) An import certificate, in approved form, stating that the animal is registered in a book of record recognized as authentic, and issued by the "Director" of The Canadian National Live Stock Records, Ottawa, or the "Secretary" of any other governing association incorporated under The Live Stock Pedigree Act, as the case may be.

Customs Tariff—*continued*

(2) A statutory declaration, in approved form, by the owner, or one of the owners, as the case may be, stating,—

(*a*) that the animal is, to the best of his knowledge and belief, the identical animal described on the import certificate;

(*b*) that, prior to its importation, the animal was registered in the ownership of the importer in a record abroad recognized as authentic by the Canadian National Live Stock Records or other governing association incorporated under The Live Stock Pedigree Act; (This ownership requirement shall not apply in cases where the animal is imported for service, for a temporary period only);

(*c*) that the animal is being imported for breeding purposes in the improvement of live stock; and,

(*d*) in cases where the importer is not a British subject resident in Canada, that the animal will not be sold or otherwise disposed of without payment of duty until after twelve months from the date of the Customs import entry.

2. Before an import certificate is issued the governing body issuing same may require the importer to produce, in addition to an export certificate of pedigree from the breeder abroad, a certificate of registration of ownership, a service certificate if the animal is a female and bred, both signed by the Secretary of the British or foreign record organization, and such other evidence as will satisfactorily establish that the animal is suitable for the improvement of live stock in Canada. In the event that the governing body is not satisfied that the animal is suitable for the improvement of live stock in Canada, an import certificate shall not be issued, and the decision as to whether an import certificate shall or shall not be issued shall rest solely with the governing body.

3. In the case of horses, the Health of Animals Division of the Department of Agriculture, shall, for the purpose of identification, examine the animal as to age, colour and markings, and supply a certificate, embodying these particulars, to the Director of the Canadian National Live Stock Records, who shall not issue an import certificate before receiving same.

4. No import certificate shall pre-date the date when a book of record is recognized as authentic by the governing body.

5. The forms of import certificate and statutory declaration, and the Customs procedure to be followed, shall be as directed by the Minister of National Revenue.

6. If the importer cannot produce the import certificate at the time of the arrival of the animal, import entry may be passed on payment of any Customs duty which would otherwise be payable, subject to refund of the duty so paid if the requisite import certificate is produced and these regulations otherwise complied with within one year from the date of the Customs import entry.

7. Animals which are duly recorded in a recognized Canadian book of record for the breed, including animals which have been entered under Tariff Item No. 1 and these regulations, may be exported temporarily and

Customs Tariff—*continued*

returned to Canada to the exporter thereof within twelve months without payment of duty, upon production of a special import certificate and statutory declaration in forms approved by the Minister of National Revenue.

Ministerial Instructions

30th September, 1939.

1. (*a*) The Import Certificate and the Statutory Declaration required to be delivered to the Collector of Customs and Excise before entry under Tariff Item No. 1 is permitted, shall be in one of the Forms in Appendices I and II hereto;

(*b*) The Import Certificate for horses shall specify the colour and natural markings, if any; if there are no markings the word "solid" shall be inserted. The Collector of Customs and Excise or other proper officer is required to compare the description given on the Import Certificate with the animal, or with a memorandum showing the colour and markings made by him at the time the animal was entered at Customs if the Import Certificate was not then produced, and if the colour and markings do not agree entry under Tariff Item No. 1 shall be refused.

2. (*a*) The Import Certificate shall be forwarded to the Department with the copy of the duty free Customs entry or the Refund Claim, as the case may be;

(*b*) The Import Certificate shall be marked with the Customs entry number and the office dating stamp;

(*c*) The Collector of Customs and Excise or other officer shall not demand or accept any certificate as to pedigree other than the aproved official "Import Certificate";

(*d*) Animals may be shipped in bond from the Canadian frontier port to the Customs port of destination, subject to quarantine requirements.

3. Information respecting Import Certificates may be procured on application to the "Director", Canadian National Live Stock Records, Ottawa, from whom there may also be obtained a list of Canadian records and other information concerning the importation of pure-bred animals for the improvement of stock, covered by Tariff Item No. 1.

H. D. SCULLY,
Commissioner of Customs.

Customs Tariff—*continued*

APPENDIX I

SCHEDULE OF FORMS

Form 1.

IMPORT CERTIFICATE

Canadian National Live Stock Records Incorporated under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada.

I hereby certify that the animal ..... Reg. No. .....

Colour....., Markings....., is pure bred and

is registered in the ....., the Canadian

Book of Record for .....

(signature) .....
Director,
Canadian National Live Stock Records.

Issued to the owner .....

Address .....

Ottawa, Canada, ... 19.....

Sex ..... Imported from .....Voucher No.

Form 2—For Holstein-Friesian Cattle.

IMPORT CERTIFICATE

Holstein-Friesian Association of Canada Incorporated under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada.

I hereby certify that the animal ..... Reg. No. .....
Colour....., Markings....., is pure bred and is registered in the Holstein-Friesian Herd Book of Canada, the Canadian Book of Record for Holstein-Friesian cattle.

(signature) .....
Secretary,
Holstein-Friesian Association of Canada.

Issue to the owner .....

Address .....

Brantford

Ontario, Canada ..... 19.....

Sex ..... Imported from .....

Customs Tariff—*continued*

Form 3.

SPECIAL IMPORT CERTIFICATE

(For animals entering Canada for temporary period only)

Canadian National Live Stock Records Incorporated under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada.

I hereby certify that the animal ..... Reg. No. .....

Colour....., Markings....., is pure bred and is registered in a Book of Record recognized as authentic in the country of the origin of the breed of ..... and is being imported into Canada temporarily for a period not exceeding ..... months for breeding purposes only.

(signature) .....
Director,
Canadian National Live Stock Records.

Issued to .....

Address .....

Ottawa, Canada, ... 19.....

Sex ..... Imported from .....Voucher No.

Form 4.

SPECIAL IMPORT CERTIFICATE

(For animals re-entering Canada terminating export for temporary period)

Canadian National Live Stock Records Incorporated under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada.

I hereby certify that the animal ..... Reg. No. .....

Colour....., Markings....., is pure bred and is registered in the ....., the Canadian Book of Record for .....

(signature) .....
Director,
Canadian National Live Stock Records.

Issued to the owner .....

Address .....

Ottawa, Canada, ... 19.....

Sex ..... Imported from .....Voucher No.

Customs Tariff—*continued*

Form 5.

SPECIAL IMPORT CERTIFICATE

(For animals entering Canada for temporary period only)

Holstein-Friesian Association of Canada Incorporated under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada.

I hereby certify that the animal ..... Reg. No. .....
Colour....., Markings....., is pure bred and is registered in a Book of Record recognized as authentic in the country of the origin of the breed of Holstein-Friesian cattle, and is being imported into Canada temporarily for a period not exceeding ..... months for breeding purposes only.

(signature) .....
Secretary,
Holstein-Friesian Association of Canada.

Issued to .....
Address .....
Brantford, Ontario,
Canada ..... 19.....
Sex ..... Imported from.....

Form 6.

SPECIAL IMPORT CERTIFICATE

(For animals re-entering Canada terminating export for temporary period)

Holstein-Friesian Association of Canada Incorporated under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada.

I hereby certify that the animal ..... Reg. No. .....
Colour....., Markings....., is pure bred and is registered in the Holstein-Friesian Herd Book of Canada, the Canadian Book of Record for Holstein-Friesian cattle.

(signature) .....
Secretary,
Holstein-Friesian Association of Canada.

Issued to the owner .....
Address .....
Brantford, Ontario,
Canada ..... 19.....
Sex ..... Imported from .....

Customs Tariff—*continued*

APPENDIX II

Form 1. Declaration to be made by sole owner, a British subject resident in Canada.

Dominion of Canada
Province of .....

TO WIT:

I .....
(name in full, no initials)
of ....., in the Province of .....,
Occupation .....,
do solemnly declare:

1. That I am a British subject resident in Canada, being domiciled at .....
.....

2. That I purchased the animal described in the import certificate attached, abroad, being the identical animal for which application is herewith made for free entry into Canada.

3. That I am now the sole owner and not an agent for the seller in any sense and that he has now no interest directly or indirectly in the said animal.

4. That the said animal is being imported into Canada for the improvement of stock.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

Declared before me this .....
day of ....., A.D. 19....
at .....

.....
(Signature of owner)

.....
(Title of person authorized to take this declaration.)

Customs Tariff—*continued*

Form 2. Declaration to be made by one of several owners, all British subjects resident of Canada.

Dominion of Canada
Province of .....

TO WIT:

I .....,
(name in full, no initials)
of ..... in
the Province of .....,
Occupation .....,
do solemnly declare:

1. That each of the said owners, whose names and addresses appear below, is a British subject resident in Canada.

.....
.....
.....

2. That we purchased the animal described in the import certificate, abroad, being the identical animal for which application is herewith made for free entry into Canada.

3. That we are the sole owners thereof and not agents, and that no person other than ourselves has any interest directly or indirectly in the said animal.

4. That the said animal is being imported into Canada for the improvement of stock.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

Declared before me this .....
day of....., A.D. 19....
at .....

.....
(Title of person authorized to take this declaration.)

.....
(Signature of one of the owners.)

Customs Tariff—*continued*

Form 3. Declaration to be made by sole owner, other than a British subject resident in Canada.

Dominion of Canada
Province of .....
TO WIT:

I .....,
(name in full, no initials)
of ....., in the
Country of .....,
Occupation .....,
do solemnly declare:

1. That I am a citizen of .....
(name of country)

2. That I purchased the said animal described in the import certificate in ....., (name of country), being the identical animal for which application is herewith made for free entry into Canada.

3. That I am the sole owner thereof, and not an agent, and that no person other than myself has any interest directly or indirectly in the said animal, and that I will not sell or otherwise dispose of the said animal until after twelve months from the date of the Customs import entry without payment of the duty thereon.

4. That the said animal is imported into Canada for the improvement of stock. And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

Declared before me this .....
day of....., A.D. 19....
at .....

.....
(Signature of owner)

.....
(Title of person authorized to take this declaration.)

Customs Tariff—*continued*

Form 4. Declaration to be made by one of the several owners, one or more of whom are other than British subjects resident in Canada.

Dominion of Canada
Province of .....

TO WIT:

I .....
(name in full, no initials)
of ....., in the
Country of .....,
Occupation .....,
do solemnly declare:

1. That I am a citizen of ..... (name of country) residing at .....

2. That we purchased the animal described in the import certificate in .... (name of country), being the identical animal for which application is herewith made for free entry into Canada.

3. That we are the sole owners thereof and not agents, and that no person other than ourselves has any interest directly or indirectly in the said animal, and that we will not sell or otherwise dispose of the said animal within twelve months from the date of the Customs import entry without payment of the duty thereon.

4. That the names, nationalities and places of residence of the said owners, are as follows:

.....

.....

.....

5. That the said animal is imported into Canada for the improvement of stock.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

Declared before me this .....
day of .....A.D. 19.....
at .....
.....
(Title of person authorized to take this declaration)

.....
(Signature of one of the owners)

Customs Tariff—*continued*

Form 5. Declaration to be made by sole owner, or one of several owners, as the case may be, in respect of animals imported for temporary period only.

Dominion of Canada
Province of .....
TO WIT:

I .....
(name in full, no initials)
of ....., in the
Country of .....,
Occupation .....,
do solemnly declare:

1. That I am a citizen of ..... (name of country), residing at .....

2. That I/we are importing the animal described in the special import certificate temporarily for a period not exceeding ..... months, for breeding purposes only.

3. That the said animal will be returned to ..... on the expiration of the above mentioned period.

4. (IF MORE THAN ONE OWNER)—That the names, nationalities and places of residence of the said owners, are as follows:

.....

.....

.....

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

Declared before me this .....
day of ....., A.D. 19.....
at .....
.....
(Title of person authorized to take this declaration)

.....
(Signature of owner, or of one of the owners, as the case may be).

Customs Tariff—*continued*

Form 6. Declaration to be made by sole owner, or one of several owners, as the case may be, in respect of animals re-entering Canada terminating export for temporary period.

Dominion of Canada
Province of .....

TO WIT:

I .....
(name in full, no initials)
of ....., in the
Country of .....
Occupation .....
do solemnly declare:

1. That I am a citizen of .....(name of country), residing at .....

2. That I/we sent on ....., the animal described in the special import certificate to ....., and that same is to be returned to Canada on ....., the said animal being the identical animal for which application is herewith made for free entry into Canada.

3. (IF MORE THAN ONE OWNER)—That the names, nationalities and places of residence of the said owners, are as follows:

.....

.....

.....

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

Declared before me this .....
day of ....., A.D. 19.....
at .....

.....
(Title of person authorized to take this declaration)

.....
(Signature of owner, or of one of the owners, as the case may be).

Customs Tariff—*continued*

5. Importation of the semen of pure bred animals for the improvement of stock

P.C. 3768

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 10th day of September, 1946.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Tariff Item 786, effective the 28th June, 1946, reads as follows:

"Semen of horses, cattle, sheep, goats, asses, swine, dogs, pure bred, for the improvement of stock, under regulations prescribed by the Governor in Council—

British Preferential Tariff.....Free
Intermediate Tariff.....Free
General Tariff.....Free".

AND WHEREAS this tariff item replaces tariff item 1*a* established by Order in Council P.C. 687 passed on the 3rd February, 1944, under the Authority of the War Measures Act and continued in force by the National Emergency Transitional Powers Act;

AND WHEREAS it is necesary to establish regulations applicable to Tariff Item 786;

AND WHEREAS the Minister of Agriculture has deemed it expedient to cancel his Order of the 3rd March, 1944, and to make provision for the importation of semen of sires other than those defined as pure breed under the Live Stock Pedigree Act, and his substituted order reads as follows:

"Ministerial Order"

Under and by virtue of authority conferred upon me by Section 17 of the Animal Contagious Diseases Act, Chapter 6 R.S.C. 1927, the importation into Canada of the semen of animals for artificial insemination is hereby prohibited except under permit by the Veterinary Director General.

Application for a permit to import semen shall be made in writing to the Veterinary Director General. The application shall be accompanied by a certificate signed or endorsed by an official veterinarian of the National Government of the country of origin showing that the animal from which the semen is to be obtained has been examined and found free from any contagious disease.

When the semen is to be used for the impregnation of cows, an official certificate shall accompany the application for a permit.

The certificate shall state:

(*a*) That the bull has passed a negative test for Brucellosis,

(*b*) That the bull and the herd in which it is kept are free from Tuberculosis.

Customs Tariff—*continued*

To secure a permit to import semen from pure bred animals duty free for the improvement of stock, the applicant shall state the breed, registered name and registration number of the male animal from which the semen is to be obtained, the book of record in which registered and the name and address of the owner of the animal.

No permit shall be issued unless the country of origin has been declared free from foot and mouth disease and rinderpest for a period of six months preceding date of application.

My Order of the third day of March, one thousand nine hundred and forty-four is hereby cancelled.

Dated at Ottawa this eighth day of August, one thousand nine hundred and forty-six.

JAMES G. GARDINER,
Minister of Agriculture.

And Whereas the Minister of Agriculture, under authority of The Live Stock Pedigree Act, has authorized the Board of Directors of each breed association to appoint a committee to be known as The Special Committee on Artificial Insemination, which shall regulate and control the breeding of pure bred animals by means of artificial insemination, and special rules and regulations have been established to govern the registration of animals born as the result of artificial insemination;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue concurred in by the Acting Minister of Agriculture, is pleased to make the following regulations and they are hereby made and established accordingly.

Regulations

1. The Ministerial Order, dated 8th August, 1946, issued by the Minister of Agriculture, which provides that the importation into Canada of semen of animals for artificial insemination is prohibited except under permit by the Veterinary Director General, is hereby approved.

2. The action of the Minister of Agriculture in authorizing the setting up of The Special Committee on Artificial Insemination to regulate and control the registration of animals born as the result of artificial insemination, is also hereby approved.

3. Semen for the artificial insemination of animals shall not be released for delivery to the importer unless the Collector of Customs and Excise at the port of entry has been furnished with an import permit, in approved form, issued by the Veterinary Director General, Department of Agriculture, Ottawa.

4. Semen from pure bred animals for the improvement of stock by artificial insemination is not to be permitted duty free entry under Tariff Item 786 unless the importer furnishes the Collector of Customs and Excise at the port of entry,—

(*a*) an import certificate, in approved form, issued by the "Director" of the Canadian National Live Stock Records, Ottawa, or the "Secretary" of any other governing Association incorporated under the Live Stock Pedigree Act, as the case may be;

Customs Tariff—*continued*

(*b*) A statutory declaration, in approved form, by the importer stating,—

(i) that I am a resident of Canada, being domiciled at.....;

(ii) that the semen described on the import container is the identical semen for which H of A. Permit No. ..... was issued to me by the Veterinary Director General and for which application is hereby made for duty free entry;

(iii) that the semen covered by the said import permit will be used only by me or under my direction in the artificial insemination of animals for the improvement of stock owned by me or by an artificial breeding unit of which I am a member or a qualified official; and,

(iv) that any portion of the said semen which is not used for the insemination of such stock will be destroyed and that none of the semen will be used or disposed of otherwise.

5. If the importer cannot produce the Import Certificate at the time the Customs entry is required to be passed, entry may be accepted on payment of Customs duty, and any tax applicable under The Special War Revenue Act, subject to refund if the requisite Import Certificate is produced and these regulations otherwise complied with within three months from the date of the Customs import entry.

6. The import permit shall be in the forms prescribed by the Veterinary Director General.

7. The Import Certificate shall be in the form prescribed by the Canadian National Live Stock Records or by other governing Association incorporated under The Live Stock Pedigree Act, as the case may be.

8. The Minister of National Revenue shall prescribe a form of Export Declaration respecting semen shipped to Canada for artificial insemination of animals, which must be completed by the exporter of the semen and attached by an adhesive to the outside wrapper of the package containing the semen.

9. The Customs procedure to be followed in respect of the clearance through Customs of shipments of semen for artificial insemination of animals shall be as prescribed by the Minister of National Revenue.

10. The Minister of National Revenue and the Minister of Agriculture may prescribe such further regulations as may be deemed expedient to effectively control the importation and use of semen for the artificial insemination of animals and to adequately safeguard and protect the pure bred live stock industry of Canada.

N. A. ROBERTSON,
Clerk of the Privy Council.

46917—36½

Customs Tariff—*continued*

Ministerial Instructions

D. 49 TMR 13 Rev.
16th September, 1946

SEMEN OF PURE BRED ANIMALS FOR THE IMPROVEMENT OF STOCK

1. The import permit and the export declaration, which must be in the hands of the Collector of Customs and Excise before the semen is released for delivery to the importer, shall be in the forms of Appendix I hereto.

2. The import certificate, required to be delivered to the Collector of Customs and Excise before entry under tariff item 786 is accepted, shall be in one of the forms in Appendix II hereto, as the case may be, and the importers statutory declaration shall be in the form of Appendix III hereto.

3. The import permit covering the shipment of semen for artificial insemination of animals shall be in the hands of the Collector of Customs and Excise before the semen is released for delivery or Customs entry accepted, provided, however, that in cases where the import permit does not accompany the semen or is not in the hands of the said Collector when the semen arrives, he shall immediately send particulars by telegram (at the expense of the importer) to the Veterinary Director General, Department of Agriculture, Ottawa, for instructions, and the semen shall only be released for delivery if advice is received from the Veterinary Director General that an import permit for the particular semen has been or will be issued, but the Customs entry covering same shall not be accepted until such import permit has been received.

4. Semen for the artificial insemination of animals is extremely perishable, and to maintain its vital properties it is shipped in a thermos flask or other insulated container. It is important that the semen reach its destination with all possible speed; hence, to expedite delivery and to avoid damage or deterioration, shipments thereof, when the import permit has been received and the shipper's declaration on the package is in accordance therewith, are to be given immediate release for delivery to the importer on Form C-6 (Collector's Permission for special purposes), without bond or deposit, conditional on the Customs entry being passed within seventy-two hours.

The package containing the semen is to be delivered without examination or disturbing the contents, identification being sufficient if the information in the export declaration on the outside wrapper of the package agrees with the information on the import permit.

5. If the importer cannot produce the import certificate issued by Canadian National Live Stock Records or by other governing Association incorporated under The Live Stock Pedigree Act and only the import permit issued by the Veterinary Director General is produced, an import entry may be passed on payment of Customs duty (tariff item 711), and any tax applicable under The Special War Revenue Act, subject to refund if the requisite import certificate is produced and the regulations otherwise complied with within three months of the date of the Customs import entry, as provided in the Order in Council.

Customs Tariff—*continued*

6. The import permit shall be marked with the number of the Customs entry and the official dating stamp, and forwarded to the Department with the copy of the Customs entry.

7. The import certificate shall be marked with the number of the duty free Customs entry, under tariff item 786, and the official dating stamp, and forwarded to the Department with the copy of the duty free Customs entry or with the refund claim, as the case may be.

8. The Collector of Customs and Excise shall not demand nor accept any certificate as to purity of the breed of the sire or any other document relative to the origin and/or freedom from disease of the semen other than the approved official import permit.

9. The Collector of Customs and Excise shall not demand nor accept any certificate as to purity of the breed of the sire, for duty free entry of semen under tariff item 786, other than the approved official import certificate.

10. Information respecting import permits may be procured on application to the Veterinary Director General, Department of Agriculture, Ottawa, and respecting import certificates and authority to practise artificial insemination of animals an application to the Director, Canadian National Live Stock Records, Ottawa, or the Secretary of the Holstein-Friesian Association of Canada, Brantford, Ontario.

D. SIM
Deputy Minister of National Revenue,
Customs and Excise

Customs Tariff—*continued*

APPENDIX I

Form 1.

IMPORT PERMIT

(Not Valid for Entry under Tariff Item 786)

DOMINION DEPARTMENT OF AGRICULTURE

Production Service — Health of Animals Division
No. G .....

Permit to Import Semen of Animals not Defined as Pure Bred under The Live Stock Pedigree Act for the Artificial Insemination of Stock.

Under the Provisions of Ministerial Order No. 58A, dated 8th August, 1946.

....
Name — Address

is hereby permitted to import semen obtained from the following described animal:

Breed .....Foreign Book of Record..... (if any)

Animal's Name .....Foreign Reg. No. .....

Owner's Name .....Address .....

the said semen to be used for the artificial insemination of stock owned by the importer.

Ottawa, Canada.
Date ..... 19..
Signed .....
Veterinary Director General

Note: Under Chapter 49, 22-23 George V. Statutes of Canada, the term pure bred means registered in or eligible for registration in the records of any association incorporated under The Live Stock Pedigree Act, 1932, according to the rules of such association.

Form 2.

IMPORT PERMIT

DEPARTMENT OF AGRICULTURE, CANADA

Production Service — Health of Animals Division
No. .....

Permit to Import Semen of Pure Bred Animals for the Improvement of Stock by Artificial Insemination

Under the provisions of Ministerial Order No. 58A, dated 8th August, 1946.

....
Name — Address

is hereby permitted to import semen obtained from the following described pure bred animal:—

Breed .....Foreign Book of Record .....

Registered Name .....Reg. No. .....

Owner's Name .....Address .....

The said semen to be used only by the importer for the improvement of stock owned by him, or by an artificial breeding unit of which he is a member or a qualified official.

(sgd.) .....
Veterinary Director General

Ottawa, Canada,
Date .....19....

Customs Tariff—*continued*

Form 3.

EXPORT DECLARATION

To be Completed by Exporter of Semen of Animals for the Artificial Insemination of Stock

I hereby declare that this package contains only the semen, in suitable container, of the male animal described as follows:—

Breed ..... Foreign Book of Record ..... (if any)

Animal's name ..... Reg. No. .....

Owner's name .....

Address .....

This semen is being supplied under H. of A. Import Permit No. G .....

to .....
(name) (address)

to be used in artificial insemination of animals.

(sgd.) .....
Owner of sire from which semen was collected, or his authorized representative.

Form 4

EXPORT DECLARATION

To be Completed by Exporter of Semen of Pure Bred Animals for the Improvement of Stock

I hereby declare that this package contains only the semen, in suitable container, of the male animal described as follows:—

Breed ..... Foreign Book of Record .....

Registered Name ..... Reg. No. .....

Owner's Name .....

Address .....

This semen is being supplied under H. of A. Import Permit No. .....

to .....
(name) (address)

to be used in artificial insemination of animals for the improvement of stock.

(sgd.) .....
Owner of sire from which semen was collected, or his authorized representative.

Customs Tariff—*continued*

APPENDIX II

Form 1.

IMPORT CERTIFICATE

Canadian National Live Stock Records

Incorporated Under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada.

Serial No. .....

Authority having beeen granted under H. of A. Import Permit No. ..... for importation of semen from the pure bred male animal described as follows:

Breed ..... Registered Name .....
Reg. No. .....

I hereby certify that the said pure bred male is registered in .....
..... and that
Foreign Book of Record

(name) .....
(address)

has been granted authority to practise artificial insemination by the .....
.....
(Name of breed organization)

.....
Director, Canadian National Live Stock Records.

Issued to .....
Address .....
Ottawa, Canada, 19....

Form 2.

IMPORT CERTIFICATE

Holstein-Friesian Association of Canada

Incorporated under the Live Stock Pedigree Act at the Department of Agriculture, Ottawa, Canada

Serial No. .....

Authority having been granted under H. of A. Import Permit No. ..... for importation of semen from the pure bred male animal described as follows:
Breed ..... Registered Name .....
Reg. No. .....

I hereby certify that the said pure bred male is registered in .....
..... and that
Foreign Book of Record

(name) ..... (address) .....
has been granted authority to practise artificial insemination by the Holstein-Friesian Association of Canada.

.....
Secretary, Holstein-Friesian Association of Canada.

Issued to .....
Address .....
Brantford, Ontario .....19....

Customs Tariff—*continued*

APPENDIX III

DECLARATION

Form 1.

To be made by importer, resident in Canada.

DOMINION OF CANADA

Province of .....

I, ...
(name in full, no initials)
of ....., in the Province of .....
Occupation .....

To WIT:

DO SOLEMNLY DECLARE:

That I am a resident of Canada, being domiciled at .....

.....

That the semen described on the import container is the identical semen for which H. of A. Import Permit No. ..... was issued to me by the Veterinary Director General, and for which application is hereby made for duty free entry.

That the semen covered by the said import permit will be used only by me or under my direction in the artificial insemination of animals for the improvement of stock owned by me or by an artificial breeding unit of which I am a member or a qualified official;

That any portion of the said semen which is not used for the insemination of such stock will be destroyed and that none of the semen will be used or disposed of otherwise.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me this .....
day of .....A.D. 19.....
at .....

.....
(Signature of Importer)

.....
(Title of person authorized to take this declaration.)

Customs Tariff—*continued*

6. Regulations respecting Customs privileges for diplomats and others

P.C. 5262

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority granted by Item 706 of the Customs Tariff, is pleased to order as follows:

1. The Regulations under Item 706 of the Customs Tariff, established by Order in Council P.C. 103/11160 of December 9, 1942, as amended, are hereby revoked; and
2. The attached Regulations respecting Customs privileges for diplomats and others, are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations

PART I—BAGGAGE EXAMINATION

The privilege of exemption from examination of baggage and other effects and admission thereof free of duty and taxes is extended to the following:—

1. Ministers and High Commissioners of other countries, their families and servants.

2. Members of the diplomatic corps eligible for inclusion in the Diplomatic List, published by the Department of External Affairs, and their families.

3. Members of High Commissioners' offices eligible for inclusion in the List of British Commonwealth Representatives published by the Department of External Affairs, and their families.

4. Consuls General of career, and their families.

5. Canadian Ministers and High Commissioners to other countries on returning from abroad.

PART II—FREE ENTRY

A. The privilege of admission of articles for their personal or family use free of duty and taxes is extended at all times to the following:—

1. Ministers and High Commissioners of other countries.

2. Members of the diplomatic corps eligible for inclusion in the Diplomatic List published by the Department of External Affairs.

Customs Tariff—*continued*

3. Members of High Commissioners' offices eligible for inclusion in the List of British Commonwealth Representatives published by the Department of External Affairs.

4. Consuls General of career.

5. Consuls of career and Vice Consuls of career.

6. Trade Commissioners and Assistant Trade Commissioners of career.

B. Application for free entry under this Part shall be made in writing to the Collector of Customs and Excise, a separate application being made for each importation.

C. In the case of the persons mentioned in subsections 2, 3, 5 and 6 of Section A of this Part, each application must be approved, in writing, by or in the name of the appropriate Minister or High Commissioner, or by the appropriate supervising Consul General.

Part III—Free Entry on First Arrival Only

The privilege of admission free of duty and taxes of personal and household effects, including motor vehicles but not including spirituous liquors, is extended on their first arrival to the following:—

Employees of foreign and British Commonwealth governments sent by their governments to posts in Canada, provided that they are nationals or citizens of the country they represent and that they are not engaged in any other business or profession.

Part IV—Resale

Any article which, under these regulations, is allowed admission free of duty and taxes shall be subject to the ordinary provisions of the Customs Tariff and of the Excise Tax Act if sold or otherwise disposed of in Canada, except in respect of articles admitted free under these regulations which have been in the use and possession of the importer in Canada for a period of at least one year.

Part V—Articles for Official Use

A. Uniforms, office equipment, stationery and similar supplies sent by the Government of any foreign or British Commonwealth country for the official use of any of its offices in Canada will be admitted free of duty and taxes.

B. When any despatch bag or package arrives in Canada addressed to a Minister or Chargé d'Affaires of a Legation, or to a High Commissioner of a British Commonwealth country, bearing the seal of his government as a guarantee of good faith and which, from such examination as can be made thereof without breaking the seal, shall appear to contain only official documents, it shall be forwarded without detention by either the Canadian postal or customs authorities direct to the official to whom addressed.

Part VI—Reciprocity

A. All the privileges authorized by these regulations are conditional on full reciprocity being accorded to offices, officials and employees of the Canadian Government in other countries.

B. Any privileges authorized by these regulations shall be withheld or discontinued in any case in which the Under Secretary of State for External Affairs certifies to the Deputy Minister of National Revenue for Customs and Excise that full reciprocity is not granted.

Customs Tariff—*continued*

PART VII—CANADIAN GOVERNMENT OFFICIALS ABROAD RETURNING TO CANADA

Employees of the Canadian Government returning to Canada from posts abroad may be exempted from payment of duty and taxes on all or part of their personal and household effects on application being made to the Deputy Minister of National Revenue for Customs and Excise by the appropriate Deputy Minister.

PART VIII—INTERPRETATION

A. The duties and taxes referred to in the foregoing regulations shall be held to mean duties levied under the Customs Tariff on imported articles or taxes levied on such articles under Parts XI, XII and XIII of the Excise Tax Act.

B. The phrase "of career" in these regulations means that the person in question is a citizen of the country whose government he serves and that he is not engaged in any other business or profession.

C. The phrase "High Commissioners" includes the Accredited Representative of the Union of South Africa.

7. Regulations respecting the temporary entry of circuses, etc.

P. C. 5264

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 23rd day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of National Revenue and under the provisions of the Customs Tariff, is pleased to order as follows:

1. The Regulations respecting Circuses, Amusement Riding Devices, Side-Shows and Concessions, established by Order in Council P.C. 30/292 dated 14th January, 1941, are hereby revoked; and

2. The attached regulations respecting the temporary entry of Circuses (not including Vaudeville or Theatrical Shows) and Amusement Riding Devices, Side-Shows and Concessions, are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations

1. Circuses, with or without menageries, but not including amusement riding devices, side-shows and concessions intended to operate outside of the circus and menagerie proper, and for which a separate admission is charged, whether moving by railway or by highway, shall be subject to the following fees in lieu of Customs and Excise duties and taxes, for each month or portion thereof while in Canada,—

Customs Tariff—*continued*

(*a*) Circus moving in six or more railway cars or in twelve or more motor trucks ..... $ 2,000

(*b*) Circus moving in five or less railway cars or in eleven or less motor trucks ..... $ 1,000

2. Amusement riding devices, side-shows and concessions, being individual units of what is commonly known as a carnival or midway outfit, whether imported with a circus or otherwise, shall be subject to the following fees in lieu of Customs and Excise duties and taxes, for each month or portion thereof while in Canada,—

(*a*) Amusement riding devices, each $100

(*b*) Side-shows, each 50

(*c*) Concessions, each 25

3. For the purpose of computing the fee provided for in Sections 1 and 2 hereof the owner or manager of the show or circus, or of the carnival or midway outfit, or of the individual unit of such outfit, shall present to Customs at the port where Customs is passed, a copy of the itinerary for Canada.

If after entry at Customs there is any change in the itinerary which will result in a longer stay in Canada than the period covered by the fee paid, the owner or manager shall at once advise, in writing, the Collector of Customs and Excise at the port where the Customs entry was passed, and forthwith pay to him the additional fee required for the prolonged stay in Canada, and send a copy of such advice to the Department of National Revenue, Ottawa, Canada.

4. The fee in lieu of Customs and Excise duties and taxes provided for in Sections 1, 2 and 3 hereof, shall be paid and Customs entry passed,—

(*a*) If moving by railway, at the Customs port on which manifested from the frontier and where unloading in Canada first takes place. All cars which can be sealed are to be placed under Customs Tyden seals at the frontier port, and manifests for cars not sealed are to contain detailed descriptions of the contents;

(*b*) If moving by highway, at the point where unloading in Canada first takes place. If such unloading does not take place at the frontier port of entry into Canada, the show or circus, or the carnival or midway outfit, or the individual unit of such outfit, shall move under Customs convoy from the frontier to the point in Canada where unloading first takes place, where examination will be made by Customs officers, and the Customs entry shall be passed and the fee paid at the Customs port under the survey of which the unloading takes place. If such unloading takes place at a Customs port or outport where there are not sufficient Customs officers to handle the show or circus, or the carnival or midway outfit, or the individual unit of such outfit, or at a point where there is no Customs office, the owners shall pay the salary, overtime, meals, transportation and other expenses of the Customs officers specially assigned to make the examination, and similar expenses of the convoying Customs officers shall also be paid by the parties accommodated.

Customs Tariff—*continued*

5. Imported tickets, advertising matter, programs, books, consumables, and articles for sale or to be distributed *gratis*, are subject to the regular duty and/or sales tax.

6. If tickets, advertising matter, articles for sale or for distribution *gratis*, or other goods specified in Section 5 hereof, beyond the requirements for the stay in Canada, are imported, and the owner or manager is not prepared to pay the duty and taxes thereon, such goods are to be removed from the cars or trucks and placed in warehouses, there to be held until they are entered for exportation or for home consumption if later on required in Canada. Such goods may be forwarded in bond under Customs manifest to another port in the usual manner by a bonded carrier, on receipt of a written request. In no case shall such non-duty and tax paid goods be permitted to go forward from the port where Customs entry was passed or from the point of first unloading in the cars or trucks of the show or circus, or of the carnival or midway outfit, or of the individual unit of such outfit.

7. A Collector of Customs and Excise, upon learning that a show or circus, or a carnival or midway outfit, is about to enter Canada at his port or any outport under his survey, shall immediately notify the Department of National Revenue, Ottawa, giving all available particulars, including the nature and size of the show or circus, or the carnival or midway outfit.

Upon receipt of instructions from the Department the Collector concerned will immediately assign to duty the number of officers necessary, and such officers will be required to make a complete check of all the goods brought into Canada by the show or circus, or the carnival or midway outfit, at the time of the first unloading in Canada from the cars or trucks in which they are contained, i.e., at the port where Customs entry is passed.

8. Shows or circuses, and carnival or midway outfits, brought into Canada temporarily to be operated as attractions at fairs or exhibitions held by any agricultural or other association, shall not be admitted duty free under bond, under Tariff Item 700, not being *bona fide* exhibits, but shall be subject to the fees prescribed in Sections 1 and 2 hereof.

8. Reduction of British content requirement for certain goods

P.C. 822

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of February, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and pursuant to the provisions of Section 3 of the Customs Tariff, Chapter 44, R.S.C., 1927, is pleased to order as follows:

1. Orders in Council P.C. 2362 of the 7th October, 1930, P.C. 892 of the 5th May, 1933, P.C. 968 of the 18th May, 1933, P.C. 604 of the 24th April, 1934, P.C. 1122 of the 29th April, 1935, P.C. 3487 of the 7th Novem-

Customs Tariff—*continued*

ber, 1935, P.C. 848 of the 19th April, 1937, P.C. 120/1651 of the 12th July, 1937, P.C. 2168 of the 8th September, 1937, P.C. 1243 of the 2nd June, 1938; P.C. 89/813 of the 1st February, 1941 and P.C. 46/4937 of the 9th July, 1941, specifying that for goods of certain descriptions or classes the requirement of one-half British content be reduced for entry under the British Preferential Tariff, are hereby revoked; and

2. The following Regulation is hereby made and established in substitution for the Orders in Council hereby revoked:

Regulation

In respect of the undermentioned commodities, the requirement of one-half British content shall be reduced to the proportion indicated in each case:

Commodity	*Requirement of one-half British content is reduced to*
Alcoholic Perfumes and Perfumed Spirits.....	one-quarter
Brushes	one-quarter
Chemicals and Drugs:—	
Group 1. Tartaric acid and all tartrates.....	one-quarter
Group 2. Antimony Oxide	one-quarter
Bismuth metal and oxides or salts of bismuth	one-quarter
Group 3. Mercury metal and all chemical compounds of mercury, not including pharmaceutical or other preparations of which mercury or a mercury chemical compound is only one of several constituents...	one-quarter
Group 4. Potassium metal, potassium hydroxide and salts of potassium.....	one-quarter
Group 5. Bromine, bromides and other definite chemical compounds containing bromine, but not including pharmaceutical or other preparations of which bromine or a bromine chemical compound is only one of several constituents	one-quarter
Group 6. Iodine, iodides and other definite chemical compounds containing iodine, but not including pharmaceutical or other preparations of which iodine or an iodine chemical compound is only one of several constituents	one-quarter

Customs Tariff—*continued*

Group 7.	The following organic bases and all salts thereof:	one-quarter

Asparagin	Iridin
Aspidosypermine	Pereirine
Benzol Ecgonine	Pilocarpine
Boldin Alkaloids	Quebrachamin
Caulophyllin	Quebrachin
Chelidonine	Sabadine
Cornutine	Sabadinine
Daturine	Solanidine
Ephedrine	Solanine
Hydrastin	Veratrine
Hydrastinine	Yohimbine

Group 8.	Drugs such as barks, flowers, roots, beans, berries, balsams, bulbs, fruits, insects, grains, gums, gum resins and oleo-resins, herbs, leaves, nuts, fruit and stem seeds, glucosides; infusions, tinctures and extracts thereof	one-quarter
Group 9.	Agar agar, sweet almond oil, coriander oil, curara, turpentine and spirits of turpentine	one-quarter
Group 10.	All essential oils (including turpeneless oils)	one-quarter
Cotton fabrics not further manufactured than bleached		one-third
Cotton Yarns		one-third
Manila Rope, not exceeding 1½ inches in circumference, when used exclusively for the fisheries, not to include ropes commonly used for sportsmen's purposes		one-quarter
Pure Manila Rope		one-quarter
Processed Almonds (almond paste, split, strip, flake and nib almonds)		one-quarter
Soya Bean Flour.....		one-quarter

Certificates or origin "B" on invoice forms "M-B" and "N-B" shall be altered where necessary to conform to the above changes in the British content requirement.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Tariff—*continued*

9. Certain goods imported into Canada shall be marked with "country of origin"

P.C. 4343

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of August, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and under the authority of section sixteen of the Customs Tariff, Revised Statutes of Canada, 1927, chapter 44, is pleased to revoke and doth hereby revoke Orders in Council P.C. 5265 of 23rd December, 1947, and P.C. 1144 of 15th March 1949, and is pleased, hereby, to make the following Order in substitution for the Orders in Council hereby revoked:—

ORDER

Goods of the description or classes hereinafter specified, imported into Canada, shall be marked, stamped, branded or labelled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin; and the said marking, stamping, branding or labelling shall be as nearly indelible and permanent as the nature of the goods will permit;

Descriptions or classes of goods

1. Printed or lithographed matter of all kinds, including books and pictures, except seals, tickets and labels, which are not capable of being marked legibly and each of which shall not exceed one inch in diameter, in which case the first package or covering shall be marked in compliance with the general regulations.
2. Writing, marking or drawing pencils of all kinds, penholders of wood and fountain pens.
3. Empty paper or paper board folding or set up boxes or cartons, and empty plain or corrugated fibre board boxes, for use as containers.
4. Brushes of all kinds, including toothbrushes and tooth brush handles.
5. Razor blades (safety type).
6. Boots, shoes and slippers.
7. Chinaware and porcelainware (not including sanitary or toiletware), decorated or undecorated.
8. Ladies' purses, in the form of handbags, not including bags made of beads, metal mesh or of a similar nature.
9. Thermometers of all kinds.
10. Pen knives, jack knives and pocket knives of all kinds; scissors and shears.

Customs Tariff—*continued*

11. Articles wholly of porcelain for electrical use.
12. Clocks and clock movements.
13. Packages containing fresh fruit, vegetables or honey.
14. Glazed wall and hearth tiles; and glazed or unglazed floor tiles over six square inches, and all sizes of ceramic mosaic tiles mounted on paper.
15. Vacuum bottles, carafes, flasks, jugs, jars and other thermostatic containers and refills or inserts for use therewith.

N. A. ROBERTSON,
Clerk of the Privy Council.

10. Consolidated Departmental Regulations governing the Marking of Imported Goods

Series D No. 1—(Revised 1949)

DEPARTMENT OF NATIONAL REVENUE
(Customs Division)

27th September, 1949.

(Section 16 and Item 1209, Customs Tariff)

Herewith is printed a Consolidation of Regulations passed under the authority of Section 16 and Item 1209 of the Customs Tariff, pertaining to the marking of imported goods with an indication of the country of origin.

D. SIM,
Deputy Minister of National Revenue, Customs and Excise.

General Regulations

1. Under the marking regulations the country of origin of a manufactured article is held to be the country in which the article has been finished by a substantial amount of labour amounting to not less than one-fourth the cost of production of such article in condition as imported into Canada.

2. Goods entered for immediate exportation or in transit through Canada are not required to be marked.

3. When imported goods are found to be not legally marked, the Appraiser or other proper officer will note the fact on the invoice and the additional duty shall be levied accordingly.

4. The appraiser or other officer will report all goods not properly marked to the Collector, who will notify the importer to redeliver the unexamined packages or to arrange to mark the goods under Customs supervision.

5. Importers may be permitted to mark examined goods in Customs warehouse, or arrange for the marking of same under Customs supervision on their own premises.

Customs Tariff—*continued*

6. Whether the markings found on goods in condition imported are as nearly indelible and permanent as the nature of the goods will permit is a question of fact to be determined in each instance by the Collector subject to the decision of the Deputy Minister.

7. If the importer fails to mark goods when called upon to do so by the Collector, the Collector may require the same to be exported, and in default thereof, the goods shall be treated as unclaimed, dated from time of importation, and if sold, must be sold on condition that they be marked by the purchaser under Customs supervision.

8. The words "Made in", "Produced in", "Printed in", or other words of similar import, or the name of a manufacturer or producer, followed by either the name of the country or the name of the city and province, state or other division of a country in which that city is located and in which the goods referred to are produced, comprise a satisfactory indication of the country of origin, provided that the relative invoices and shipping and other documents clearly indicate that the goods originated in the country, province, state, city or place as shown. In the case of universally known large cities, such as London, Liverpool, Manchester, Birmingham, Paris, New York, Chicago, Boston, Philadelphia and Detroit, the name of the city without the relative state or province in combination with "Made in", "Produced in", "Printed in", and words of similar import, or with the name of the manufacturer or producer, will be accepted as satisfactory.

9. Articles imported and entered at Customs under any of the following Tariff Items are exempt from marking under Section 16 of the Tariff: 178*b*, 481, 690, 693, 695, 695*a*, 696, 704, 705, 706, 707 and 743. Articles of value as antiques or curios, imported by individuals for private collections, as well as items of chinaware or porcelainware, semi-porcelainware, white granite, ironstone, earthenware, stoneware, or pottery which are certified by the exporter on the invoice thereof to be antiques and over twenty-five years of age, are also exempt from marking.

Regulations Established Under Order in Council
P.C. 4343 of 31st August 1949

DESCRIPTION OR CLASS OF GOODS

1. PRINTED OR LITHOGRAPHED MATTER OF ALL KINDS, INCLUDING BOOKS AND PICTURES, EXCEPT SEALS, TICKETS AND LABELS, WHICH ARE NOT CAPABLE OF BEING MARKED LEGIBLY AND EACH OF WHICH SHALL NOT EXCEED ONE INCH IN DIAMETER, IN WHICH CASE THE FIRST PACKAGE OR COVERING SHALL BE MARKED IN COMPLIANCE WITH THE GENERAL REGULATIONS.

(*a*) Seals, tickets or labels, exceeding one inch in their greatest dimension, whether imported in packages or in strips, sheets or rolls, perforated or otherwise prepared for ready separation into single units, or intended to be used in such single units, must be marked with a satisfactory indication of the country of origin on each single unit.

Seals, tickets or labels, not exceeding one inch in any dimension, when imported in packages or coverings containing quantities of not more than 100 each, or in strips, sheets or rolls of not more

Customs Tariff—*continued*

than 100 single units, may be marked with a satisfactory indication of the country of origin on the first package or covering, or on each strip, sheet or roll.

Seals, tickets or labels, irrespective of dimensions, when imported in packages or coverings, or in strips, sheets or rolls, in quantities in excess of 100 units, are subject to the general marking regulations, and each seal, ticket or label, is required to be marked.

(*b*) Blind embossed or die-stamped indications of the country of origin on printed or lithographed matter imported into Canada will be accepted as satisfactory, provided the marking otherwise complies with the requirements, particularly as to location, legibility, permanence and wording.

(*c*) Decalcomania or dry transfers (not including ceramic or enamel transfers) are required to be marked with an indication of the country of origin as printed or lithographed matter. Such marking may be affixed on the back or carrier portion thereof, or on each sheet or roll, with the exception of advertising and display decalcomania transfers exceeding one inch in their greatest dimension, which must be marked on the face of each transfer in such a manner as to be conveyed along with the transfer to the article to which it is intended to be applied. In the case of dry transfers, marking on the package in which such transfers are contained will be accepted, when marking on the sheet or roll is impracticable.

Decalcomania transfers known as "toy transfers" may be marked on each sheet, each book, or each package.

Imported ceramic or enamel transfers are not required to be marked with an indication of the country of origin.

(*d*) Ordinary printed or lithographed paper or other coverings, wrappers or containers, used merely to cover or contain shipments of goods consigned to Canada, are not required to be marked with an indication of the country of origin.

(*e*) Printed or lithographed containers imported to contain goods for export, and printed or lithographed labels, stickers or wrappers, imported to be attached to goods manufactured or produced in Canada for export trade, may be exempted from the provisions of Section 16 of the Customs Tariff Act, provided the importer signs a certificate on the face of each entry as follows:

"The containers, labels, stickers or wrappers, described on this entry are imported *bona fide* by the undersigned to contain or to be attached to goods for export, and will be exported with such goods."

(*f*) Imported containers, labels or wrappers, printed or lithographed, intended to be filled with or used upon domestic products may be marked in such a manner as to indicate the origin of the goods in their condition as imported, for example: "Label printed by John Jones, New York", thereby avoiding an improper imputation of origin in respect of the Canadian manufactured goods with which such imported containers, labels or wrappers are used.

(*g*) Printed or lithographed matter, imported in *single* copies, unbound, for the use of the importer and not for sale for religious, philosophical, educational, scientific or literary purposes, or for the encouragement of the fine arts, may be delivered without being marked with an indication of the country of origin.

(*h*) Books may be marked on the inside or outside of the front or back cover, the first or last page, or the title page.

Customs Tariff—*continued*

2. Writing, Marking or Drawing Pencils of all Kinds, Penholders of Wood and Fountain Pens.

(*a*) Blind embossed or die-stamped indications of the country of origin on wooden or fibre lead pencils and penholders will only be accepted (1) on plain unpainted pencils and penholders without any other lettering thereon, when legible, (2) on plain painted pencils and penholders without lettering thereon, when the combination of colours used in the die-stamping and on the pencil or penholder does not result in an indistinct or illegible indication, and (3) on pencils and penholders with lettering or other printed matter thereon, when the indication appears on the pencil or penholder in the same coloured lettering as the other printed matter. The indication on pencils must not be within one inch of an end which is or may be pointed.

(*b*) Crayons or chalk, covered with wood, paper or other covering as a holder or for protection, are each required to be marked. Uncovered crayons or chalk may be marked on the first or immediate container.

(*c*) Fountain pens, and pencils other than wooden or fibre lead pencils, may be marked with blind embossed or die-stamped indications of the country of origin in accordance with the general regulations, provided such marking otherwise complies with the requirements, particularly as to legibility, location, permanence and wording.

3. Empty Paper or Paper Board Folding or Set up Boxes or Cartons, and Empty Plain or Corrugated Fibre or Fibre Board Boxes, for Use as Containers.

The box maker's stamp, on the carton, will be considered as a satisfactory indication of the country of origin, provided same is not on a flap which is covered or obscured when the carton is set up.

4. Brushes of all Kinds, Including Toothbrushes and Toothbrush Handles.

(*a*) Brushes must each be permanently marked by being branded, stamped, impressed, stencilled or embossed on the handle and, except in the case of metal handles, in a contrasting colour. In the case of twisted wire brushes without attached handles, the indication may be effected by means of a metal label twisted into the frame or attached thereto by wire.

(*b*) Blanks in the rough, not further manufactured than moulded or pressed, for the manufacture of toothbrush handles, are not required to be marked.

5. Razor Blades (Safety Type).

Razor blades may be marked by means of etching or die-stamping.

6. Boots, Shoes and Slippers.

Boots, shoes and slippers may be marked on one or both of each pair.

Customs Tariff—*continued*

7. Chinaware and Porcelainware (not including Sanitary or Toilet-ware) Decorated or Undecorated, as follows:

(I) Articles Commonly Used in Connection with the Serving of Food or Drink, or Intended or Designed for Household Use for Ornamental or Decorative Purposes;

(II) Kitchenware and Utensils;

(III) Heraldic and Souvenir Ware.

(*a*) Chinaware and porcelainware must be marked on each piece, except in instances where a lid or cover accompanies a pot, bowl or dish, in which case the lid or cover need not be marked where the pot, bowl or dish itself bears an indication of the country of origin.

(*b*) An indication of the country of origin will not be accepted as complying with the requirements as to permanency if although otherwise satisfactory, the marking has been accomplished by means of painting or stamping after the articles have been kiln-fired in the process of manufacture, and payment of additional duty of 10 per cent will be required in respect of all such goods.

(*c*) With respect to chinaware and porcelainware, the Department will accept the name of the country alone as a satisfactory indication of the country of origin, and will also accept the name of the manufacturing or producing firm accompanied by the country of origin, without the inclusion of the city or province in that country in which the manufacturer or producer is located. In the case of chineware and porcelainware, the words "Made in", "Produced in", or words of similar import are not required.

8. Ladies' Purses, in the form of Handbags, not including Bags Made of Beads, Metal Mesh or of a Similar Nature.

Ladies' purses, in the form of handbags, are required to be marked by means of die-stamping or rubber stamping, on the outside of the bag itself, on the metal frame or on the leather or fabric lining, provided that the combination of colours used in the stamping and on the bag does not result in an indistinct or illegible indication, or by means of a woven or printed label sewn or otherwise strongly attached (not gummed) to the inside of the bag. To be satisfactory, the indication in every case must be in a conspicuous position.

(*b*) Bags made of beads (including wooden beads), metal mesh or of a similar nature do not require to be marked. This exemption only applies, however, to bags made entirely of these materials. Bags having beads, sequins, etc., sewn on a fabric backing, or lined, must be marked as provided by paragraph (*a*).

9. Thermometers of all Kinds.

The indication of the country of origin must be permanently marked on each article, either by printing, die-stamping, or blind embossing.

10. Pen Knives, Jack Knives and Pocket Knives of all Kinds; Scissors and Shears.

The indication of the country of origin must be effected by being etched, die-stamped or otherwise impressed on each article.

Customs Tariff—*continued*

11. Articles Wholly of Porcelain for Electrical Use.

(*a*) The indication of the country of origin must be moulded or impressed in, or indelibly printed on, each article.

(*b*) Articles of porcelain made for the purpose of being united with other materials so as to form a composite article, as well as small porcelain beads used by electricians, may be marked on the first covering or container in which imported.

12. Clocks and Clock Movements.

Clocks and clock movements with dials must be marked in a contrasting colour on the face of the dial;

Clocks without dials must be marked in a contrasting colour on front of the clock case or on a metal plate or label riveted thereto;

Clock movements without dials must be marked by die-stamping on the back plate or on a metal plate or label riveted thereto.

13. Packages Containing Fresh Fruit, Vegetables or Honey.

The indication of the country of origin must be—

(*a*) indelible, plain and of size reasonably in proportion to the size of the package, label or stencil;

(*b*) placed on one end or side of boxes, crates, lugs or barrels;

(*c*) placed on the lid, handle or one end of other packages;

(*d*) in the case of bags, stencilled, printed, interwoven or on a suitable tag attached.

Lithographed or printed labels may be used on boxes, and, if of durable material and varnished, may be used on barrel heads.

14. Glazed Wall and Hearth Tiles; and Glazed or Unglazed Floor Tiles Over Six Square Inches, and All Sizes of Ceramic Mosaic Tiles Mounted on Paper.

The indication of the country of origin must be moulded or impressed in, or indelibly printed on, each tile, except ceramic mosaic tiles mounted on paper which may be marked by being indelibly printed on each square foot of paper to which the tiles are affixed.

15. Vacuum Bottles, Carafes, Flasks, Jugs, Jars and other Thermostatic Containers and Refills or Inserts for the use therewith.

(*a*) When such vacuum bottles or other containers are being imported in the form of complete articles, the marking shall be accomplished by means of die-stamping or other indelible impression on the metal or other container.

(*b*) In the case of refills or inserts imported separately, the marking shall be accomplished by etching with acid or indelible printing.

Customs Tariff—*continued*

PROHIBITION OF IMPORTATION AND MARKING OF GOODS IMPORTED FROM A FOREIGN COUNTRY HAVING THEREON THE NAME OR TRADE MARK OF A DEALER OR TRADER IN THE UNITED KINGDOM, IN CANADA, OR ANY OTHER BRITISH COUNTRY.

Prohibited Importations—Item 1209 (a)

1. Goods imported for sale bearing thereon or on the containers thereof either of the following words or trade marks:

"Aspirin."
"Vaseline."

2. Goods imported for sale bearing thereon or on the containers thereof the name or trade mark of the Parker Fountain Pen Company, Limited, and any pen or pencil having any one or more of the following features:

(*a*) A pocket clip in the form and shape of an arrow;
(*b*) The representation of an arrow on the nib of the pen;
(*c*) A laminated barrel having alternating translucent and opaque laminations.

3. Perfumes imported for sale bearing thereon or on the containers thereof the name or trade mark "Coty", the autographic signature "Coty" or the word "Styx".

4. The importation of the following goods into Canada is prohibited under Item 1209 (*b*), Schedule C, viz:

"Any goods manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom or in Canada, or in any other British country, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced."

11. Regulations respecting Privileges to be accorded to the International Civil Aviation Organization

P.C. 5859

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 17th day of November, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Revenue and by virtue of the authority granted by Item 706 of The Customs Tariff, is pleased to order as follows:

1. The Regulations respecting privileges to be accorded to the International Civil Aviation Organization, established by Order in Council P.C. 94/2595 of 4th July, 1947, as amended, are hereby revoked; and

2. The annexed "Regulations respecting Privileges to be accorded to the International Civil Aviation Organization" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Customs Tariff—*continued*

Regulations

(Established under Item 706 of The Customs Tariff respecting Privileges to be accorded to the International Civil Aviation Organization)

PART I—BAGGAGE EXAMINATION

The privilege of exemption from examination of baggage and other effects and admission thereof free of duty and taxes is extended to the following:

1. The President of the Council, the Secretary-General, the Deputy Secretary-General and the Assistant Secretaries-General, their spouses and minor children.

2. The Representatives of Members of the Council (provided they are not Canadian citizens).

3. Representatives of Members at meetings convened by the Organization (provided they are not Canadian citizens).

PART II—FREE ENTRY ON FIRST ARRIVAL ONLY

The privilege of admission free of duty and taxes of personal and household effects, including their automobiles or aircraft, but not including spirituous liquors, is extended on their first arrival to the following:

1. Officials of the Organization (provided they are not Canadian citizens).

The Secretary-General will specify the categories of officials to which this provision shall apply and the names of such officials shall from time to time be communicated to the Department.

2. Representatives of Members of the Council, their staffs and their families (provided they are not Canadian citizens).

PART III—FREE ENTRY

The privilege of admission of articles for their personal or family use free of duty and taxes is extended at all times to the following:

1. The President of the Council, the Secretary-General, the Deputy Secretary-General and the Assistant Secretary-General, their spouses and minor children.

2. Resident representatives of members of the Council, their spouses and minor children (provided they are not Canadian citizens).

PART IV—INTERPRETATION

The expression "Representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations. Secretaries of delegations are deemed to include the equivalent of Third Secretaries of diplomatic missions and not the clerical staff. Privileges shall be granted to no more than one "Secretary of Delegation" for each delegation, and only to advisers and technical experts who are permanent members of their representative delegations.

Customs Tariff—*continued*

PART V—ARTICLES FOR OFFICIAL USE BY THE ORGANIZATION

1. Articles imported by the International Civil Aviation Organization for its official use shall be admitted free of duty and taxes.

2. When any despatch bag or package arrives in Canada addressed to the Organization or to any of the senior officials of the Organization which, from such examination as can be made thereof without breaking the seal, shall appear to contain only official documents, it shall be forwarded without detention by the Customs authorities direct to the official to whom addressed.

PART VI—RESALE

1. Any article imported free of duty by the Organization for its official use shall not be sold in Canada, except under conditions agreed with the Government of Canada.

2. Any article, other than the above, which is allowed admission free of duty and taxes under these regulations shall be subject to the ordinary provisions of the Customs Tariff and of the Excise Tax Act if sold or otherwise disposed of in Canada, except in respect of articles admitted free under these regulations which have been in the use and possession of the importer in Canada for a period of at least one year.

12.—Regulations respecting donations of clothing and books for charitable purposes

D.34
7th May, 1936.

Tariff Item 690 provides for the entry free of Customs duty of "donations of clothing and books for charitable purposes."

The said Tariff provision does not apply to gifts of clothing and books sent to persons in Canada who are fairly able to pay Customs duty thereon without hardship or embarrassment. Collectors and other Customs officers concerned are directed to use fair and reasonable discretion in permitting duty free entry of gifts of clothing and books sent from abroad to persons in straitened circumstances, or to charitable institutions or to responsible persons or societies engaged in charitable work, for distribution to persons in need and lacking adequate means of support.

In accordance with the Customs Act all such importations are required to be described on the face of the Customs entry in the words of Tariff Item 690 above quoted.

GIFTS OF CLOTHING SENT TO PUPILS ATTENDING SCHOOLS IN CANADA

Gifts of clothing sent by friends or relatives to pupils from abroad who are attending schools or institutions of learning in Canada for the personal use of such pupils and not for sale may be permitted entry without payment of Customs duty, provided a certificate from the principal or other head official of the institution, in the form hereunder, is attached to the entry:—

Customs Tariff—*continued*

"The clothing covered by this entry is a gift from.....
(donor)
to....., a pupil from abroad who is a student in
(pupil)
.....
(name of school or institution of learning)

.....
(Signature of principal or other head official)

.....
(Official status)

.....
(Place and date)"

DONATIONS OF WORN CLOTHING SENT TO SETTLERS

Gifts of worn clothing sent by friends abroad to settlers in Canada for their own use may be admitted duty free, provided a certificate from the settler, in the form hereunder, is attached to the entry:—

"I hereby certify that I came to Canada as a settler in the.....
(month)
of....., that I have, therefore, not resided in Canada for five
(year)
years, the length of time required to establish domicile in Canada, and that the worn clothing covered by the attached entry has been sent to me as a gift by..... of .....
(donor) (place of residence abroad)
and is for the personal use of myself and family.

.....
(Signature of settler)

.....
(Address)

.....
(Place and date)"

H. D. SCULLY,
Commissioner of Customs.

13. —Regulations respecting the prohibited importation of used or second-hand mattresses and materials therefrom

D.41
15th June, 1936.

Item 1219, Schedule "C" of the Customs Tariff, in effect the 2nd May, 1936, reads as follows:—

Prohibited goods: "Used or second-hand mattresses or materials therefrom:

Provided, that this item does not affect in any manner:

(*a*) Mattresses imported under Tariff Items 704, 705, 706, 707, 708, or under tourists' or travellers' vehicle permits;

(*b*) Materials from used or second-hand mattresses, when imported after having been cleaned and fumigated, under such regulations as the Minister may prescribe, accompanied by such certificates as he may designate".

Customs Tariff—*concluded*

In order to ensure that materials from used or second-hand mattresses be not imported into Canada, either in the condition as taken from the used mattress or blended with other stock producing a mixture in which the mattress fillings would perhaps not be recognizable, all invoices of material of a type suitable for upholstering, mattress filling and similar purposes are required to bear thereon, or have attached thereto, an affidavit signed by the exporter, duly attested before a Justice of the Peace, Notary or other Commissioner authorized to take oaths, certifying that

(*a*) none of the material imported has ever been used as mattress filling, or

(*b*) in the case of materials from used mattresses, which have or have not been blended with other stock, that the operations of cleaning and fumigating have been properly and efficiently carried out, with full details of such operations.

In the case of material certified as coming within the category (*a*), the invoice is required to bear thereon or have attached thereto a further affidavit, signed by the exporter or other person who has knowledge of the facts relating to the origin of the material and the processes through which it has passed since its formation as waste, certifying that the material has not been willowed or otherwise machine cleaned and is exactly as recovered from the picking or carding machinery.

CHAS. P. BLAIR,
Ass't Commissioner of Customs.

14.—Regulations respecting educational motion picture films

D.49 TMR3
27th November, 1936.

Tariff Item 696*a* reads as follows:—

"Educational moving picture films of all widths, silent or sound, positive or negative, and sound disks or records designed for use with such films, when certified by the Minister as entitled to exemption from Customs duty under the Convention for Facilitating the International Circulation of Films of an Educational Character; subject to such regulations as the Minister may prescribe—

"British Preferential Tariff	Free
"Intermediate Tariff	Free
"General Tariff	Free"

Regulations prescribed by the Minister of National Revenue under the provisions of Tariff Item 696*a*.

. . . . . .

Educational moving picture films of all widths, silent or sound, positive or negative, and sound disks or records designed for use with such films may be entered under Tariff Item 696*a* under the following conditions:—

(*a*) If certified by the International Educational Cinematographic Institute as being of an international educational character under Article IV of the Convention for facilitating the international circulation of films of an educational character.

Customs Tariff—*continued*

(*b*) In the case of a film produced by a person, concern, or institution established in a foreign country, which is a signatory to the International Convention for facilitating the international circulation of films of an educational character, if certified by the Government of such foreign country, or by the person designated or recognized by such Government for that purpose, to be of an international educational character, and the laws of that country provide for like treatment of films produced in Canada.

(*c*) In the case of a film produced by a person, concern, or institution established in any country in the British Empire, if the film is certified by the Government or person designated or recognized by the Government of that country in the British Empire to be of an international educational character.

Every film for which entry is claimed under Tariff Item 696*a* shall be forwarded by the Collector to the Commissioner of Customs at Ottawa for review, and shall be accompanied by a certificate as to its educational character, together with a synopsis of the subject-matter of the film as submitted, and no such film shall be entered under Tariff Item 696*a* which is not approved by the Commissioner of Customs.

The Commissioner of Customs may consult with any educational authority or authorities to satisfy himself as to the international educational character of the film under review and with the approval of the Minister such other conditions as may be thought desirable for the protection of the revenue may be imposed.

H. D. SCULLY,
Commissioner of Customs.

15.—Regulations respecting wire rope for rigging of ships and vessels

D.49 TMR5
2nd March, 1937.

Tariff item 440e, as in effect the 2nd May, 1930, reads as follows:

"Wire rope for use exclusively for rigging of ships and vessels, under regulations prescribed by the Minister—

British Preferential Tariff	—	Free
Intermediate Tariff	—	Free
General Tariff	—	Free."

Regulations

Wire rope for rigging of ships and vessels shall not be admitted to duty free entry under tariff item 440e unless the name of the ship or vessel on which such rope is to be used for rigging is stated on the face of the Customs entry.

In all other cases the ordinary rate of duty is to be paid at the time of entry, subject to refund when the wire rope is used for rigging, provided the refund claim is accompanied by certificates from the users showing the quantities and sizes of wire rope and the name of the ship or vessel on which it has been used for ships rigging.

The only wire rope provided for in tariff item 440e is that used for the rigging of ships or vessels. This includes wire rope used for either the standing rigging or the running rigging of a ship or vessel, but does

Customs Tariff—*continued*

not include wire rope for other purposes on board ships or vessels. For example, wire rope used as follows, not being used as ships *rigging*, is not entitled to entry under the said item but is subject to the ordinary rate of duty applicable to wire rope:—

(*a*) Wire rope for use as cables.
(*b*) Wire rope for use as tow lines.
(*c*) Wire rope for moving the vessel or for holding the vessel in position.
(*d*) Wire rope for hoisting dredge booms, operated from the hoisting engine.
(*e*) Wire rope for swinging a dredge boom, operated from the swinging engine.
(*f*) Wire rope for hoisting a dredge bucket, operated from the hoisting engine.
(g) Wire rope for hoisting and lowering spuds on a dredge, operated from the spud engine.

H. D. SCULLY,
Commissioner of Customs.

16.—Regulations governing the free entry of pure bred domestic fowls for the improvement of stock

D 49 TMR10
25th March 1937

Tariff Item No. 2

Baby Chicks.—No free entry is to be accepted for Baby Chicks unless the importer submits with the entry a sworn declaration from the owner and shipper in the form as shown in the schedule of forms hereto, marked "A".

Under Schedule "A", a declaration, including a pedigree, must be submitted for each Chick, and each Chick must be banded and have the band number shown on the pedigree.

Adult Fowls.—No free entry is to be accepted for Adult Fowls unless the importer submits a certificate from the shipper in the form as shown in the schedule of forms hereto, marked "B".

Collectors will note that differentiation between baby chicks and adult fowls is that the latter are to be fully feathered.

It is also to be particularly noted that the band number is to be quoted on the declaration or certificate.

"A"

Pedigree of

.....

Breed Variety.

Chick Band No.

.....

Sire's No.

Sire's No.

Dam's No. and Record

Sire's No.

Dam's No. and Record

Dam's No. and Record

Customs Tariff—*continued*

I hereby certify that the.....Baby Chick, band
(Breed Variety)
No.....which I am this day shipping to.....
.....was bred by me and is pure bred for the improvement of stock and that the foregoing pedigree is a true pedigree of breeding. (The pedigree must be an individual pedigree tracing for two generations showing birds either with trapnest records or birds with records of wins made at recognized National Exhibitions.)

.....
(Owner sign here)

Declared before me at the.....
of.....this.....day
of.....19.....
.....
A Commissioner, Notary, or J. P.

"B"

I hereby certify that the fowl herein described.....
.....
(Breed, Variety, Sex, Band Nos.)
which I am this day shipping to.....
.....
is/are pure bred, for the improvement of stock, and qualifies under the Standard as laid down by the Recognized National Poultry Association of the Country of Export.

.....
(Shipper's signature)

Dated at.....

Date .....

H. D. SCULLY,
Commissioner of Customs.

17.—*Re* entry of surgical dressings

D 49 TMR7
25th March 1937

Tariff Item 236

Tariff item 236 provides for "surgical dressings", and materials intended for other uses are not entitled to entry under this item as surgical dressings, antiseptic or aseptic.

To insure proper administration of the provisions of tariff item 236, the following certificate is to be placed on all entries covering importations of surgical dressings:—

"I hereby certify that the materials covered by this entry are to be used as surgical dressings and will not be diverted to other use.

(Signed) .....
(Name of importer or agent).

Dated at .....

.....19....".

H. D. SCULLY,
Commissioner of Customs.

Customs Tariff—*continued*

18.—Free entry of white or Irish seed potatoes imported for use exclusively for propagation purposes

D 49 TMR 12
1st March 1940

Tariff Item 71d

This tariff provision only covers Certified Seed Potatoes, and each bag or other container must have attached thereto a CERTIFIED SEED POTATOES tag issued by the proper authority of the state or district in which the potatoes were grown, certifying that they have been grown and approved especially for use as seed, in accordance with the official rules and regulations of the Government of the country of production.

H. D. SCULLY,
Commissioner of Customs.

19.—Free entry of rabbits, pure bred, for the improvement of stock

D. 49 T.M.R. 8 Rev.
30th June, 1944

Tariff Item No. 2a, effective 27th June, 1944, reads as follows:—

Rabbits, pure bred for the improvement of stock, under regulations prescribed by the Minister,.....free.

The regulations prescribed by the Minister are printed herewith.

The certificate of breeding and the declarations required under the regulations shall be produced by the importer and shall be attached to the entry for transmission by the Collector to the Department of National Revenue, Ottawa, the certificates and declarations to be marked in each case with the entry number and office dating stamp.

Regulations

No entry is to be accepted for Rabbits under Tariff Item 2a unless the importer files with the entry a Certificate of Breeding of each Rabbit in the form as shown in the schedule in the forms hereto marked "A" supported by the Breeders' Declaration as shown in the schedule of forms marked "B".

The importer must also file his sworn declaration in the form as shown in the schedule of forms hereto marked "C".

Customs Tariff—*continued*

SCHEDULE OF FORMS

"A"

Pedigree of Sire SIRE Name of Breeder .... Address	GRAND SIRE Breeder..... Address.....	GREAT GRAND SIRE Breeder..... Address..... GREAT GRAND DAM Breeder..... Address.....
	GRAND DAM Breeder..... Address.....	GREAT GRAND SIRE Breeder..... Address..... GREAT GRAND DAM Breeder..... Address.....
NAME OF ANIMAL ..... Sex ..... Breeder ..... Address	GRAND SIRE Breeder..... Address.....	GREAT GRAND SIRE Breeder..... Address..... GREAT GRAND DAM Breeder..... Address.....
Pedigree of Dam DAM Name of Breeder .... Address	GRAND DAM Breeder..... Address.....	GREAT GRAND SIRE Breeder..... Address..... GREAT GRAND DAM Breeder..... Address.....

Customs Tariff—*continued*

"B"

BREEDER'S DECLARATION

I, ... of ..... in ..... make oath and say that the rabbit named within was bred by myself, is pure-bred and up to the standard of excellence set for* ..... rabbits and that I have filled in correctly the names and addresses of the breeder or breeders in the case of each ancestor as required on the form hereto, and that these ancestors were true* ..... rabbits and up to the standard for the breed.

Sworn before me at the .....
of ..... in the .....
of ..... this .....
day of ..... in the year
of our Lord, 19....

.....
Breeder.

.....
Notary Public or Commissioner for taking affidavits.

"C"

IMPORTER'S DECLARATION

I, ... of .....in the Province of ..... Dominion of Canada, make oath and say that I am a resident of Canada and that the* ..... rabbit for which free entry is claimed under Tariff Item 2a and for which the exporter has furnished a pedigree and sworn-to Breeder's Declaration is, to the best of my knowledge and belief, up to the standard of excellence set for this breed and that I am importing it into Canada solely for the purpose of stock improvement and will not sell or otherwise dispose of it within twelve months from the date of the Customs import entry without payment of duty thereon.

Sworn before me at the .....
of ..... in the .....
of ..... this .....
day of ..... in the year
of our Lord, 19....

.....
Importer.

.....
Notary Public or Commissioner for taking affidavits.

D. SIM,
Deputy Minister of National Revenue, Customs and Excise.

*Insert here the breed of rabbit.

Customs Tariff—*continued*

20.—Regulations prescribed under Item 442 of the Customs Tariff

Series D No. 49
TMR 14
Second Revision

DEPARTMENT OF NATIONAL REVENUE
(Customs Division)

14th September, 1949.

Tariff Item 442, in effect June 28, 1946, reads as follows:—

"Item 442—

Articles and materials which enter into the cost of manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, and 439c when imported for use in the manufacture of the goods enumerated in the aforesaid tariff items, or in the manufacture of parts therefor, under regulations prescribed by the Minister .....

British Preferential Tariff ..... Free
Most-Favoured-Nation Tariff ..... Free
General Tariff ..... Free".

Machinery and apparatus for use as plant equipment are not admissible under tariff item 442 unless they are to be used *exclusively* in the manufacture of the goods enumerated in the items specified in tariff item 442.

When articles (including plant equipment) or materials are imported by the manufacturer of the goods enumerated in the items specified in tariff item 442 and who is not engaged in other manufacturing or selling activities, a certificate in the following form is to be completed on the covering entry.

"The ....., covered by Entry No. .....
(Description of goods)
dated ..... 19...., will all be used *exclusively* in the manufacture of the goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, and 439c, or in the manufacture of parts therefor, and in no case will be used for any other purpose.

Dated at .....
this ..... day of .....".
..... 19.... (Importer)

Articles of plant equipment imported by a manufacturer as indicated in tariff item 442 but who also carries on other manufacturing operations and/or imports goods for resale, may be imported under item 442 free of duty provided the above certificate is completed.

Articles of plant equipment imported other than by a manufacturer as specified in item 442, may only be entered under item 442 when a certificate in the following form is completed on the covering entry:—

"The ....., covered by Entry No. .....
(Description of goods)
dated....., 19...., is (or) are covered by an order,
dated ....., 19...., from .....
(Name of user)
a manufacturer of goods specified in the tariff items enumerated in tariff item 442, who certifies therein that the said goods will be used *exclusively* in the manufacture of the articles specified in tariff items

Customs Tariff—*continued*

409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, and 439c, or in the manufacture of parts therefor, and not for any other purpose.

Dated at .....
this ..... day of ....."
..... **19....** (Importer)

Materials imported by a manufacturer as indicated in tariff item 442 but who also carries on other manufacturing operations and/or imports goods for resale may be admitted under tariff item 442 on completion of the following certificate:—

"The ....., covered by Entry No. .....
(Description of goods)

dated ....., 19...., will all be used (or) sold for use *exclusively* in the manufacture of goods enumerated in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, and 439c, or in the manufacture of parts therefor, and will be kept segregated and proper records thereof will be kept.

Dated at .....
this ..... day of ....."
..... **19....** (Importer)

Materials imported other than by a manufacturer as specified in item 442 may only be entered under item 442 when a certificate in the following form is completed on the covering entry:—

"The ....., covered by Entry No. .....
(Description of goods)

dated....., 19...., is (or) are covered by an order, dated ....., 19...., from .....
(Name of user)

a manufacturer of goods specified in the tariff items enumerated in tariff item 442, who certifies therein that the said goods will be used *exclusively* in the manufacture of the articles specified in tariff items 409, 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409h, 409i, 409j, 409k, 409l, 409m, 409n, 409o, and 439c, or in the manufacture of parts therefor, and not for any other purpose.

Dated at .....
this ..... day of ....."
..... **19....** (Importer)

In all other cases, duty is to be paid at time of entry, subject to refund or drawback when the goods are sold for use in accordance with the provisions of item 442. In submitting refund claims the approximate certificate as indicated above must accompany the claims.

Drawback regulations under Order in Council (P.C. 126/4317), dated 18th October, 1946, authorize the payment of drawback of 100 per centum of the Customs duty paid on goods used in Canada in the manufacture of, or entering into the cost of articles and materials supplied to manufacturers of agricultural implements or agricultural machinery or parts thereof, for use as specified in tariff item 442. *See* Memo. Series D No. 17 DB-8.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

Customs Tariff—*continued*

21.—Articles exported for repair or adjustment

Series D No. 57
Third Revision

DEPARTMENT OF NATIONAL REVENUE
Customs Division

15th January, 1949.

Articles may be exported for repairs or adjustments and upon re-importation may be entered for duty on the value only of the repairs or adjustments subject to the following conditions:—

(*a*) that application for examination at Customs and for entry for export be made on the prescribed form;

(*b*) that satisfactory evidence be produced to establish that the necessary repairs or adjustments cannot be effected in Canada at or within a reasonable distance of the Canadian point of shipment;

(*c*) that the article be satisfactorily identified by an officer of Customs on re-importation, and

(*d*) that the article be re-imported within one year from the date of exportation.

The application for examination and entry for export shall be made in triplicate on Form E. 23.

NOTE: Articles exported to be tested but not physically altered may be dealt with under Tariff Item 709. A physical alteration would constitute an adjustment as provided for in this regulation.

D. SIM,
Deputy Minister of National Revenue, Customs and Excise.

22.—Regulations prescribed under Item 693 of the Customs Tariff

D 49 T.M.R.6 Supp. 1 Rev.
9th April, 1946

Tariff Item 693, as in effect the 26th February, 1937, reads as follows:—

"693—(i) Articles imported by or for public museums, public libraries, universities, colleges or schools, and which are to be placed in such institutions as exhibits, under regulations prescribed by the Minister—

British Preferential Tariff	Free
Intermediate Tariff	Free
General Tariff	Free

(ii) Violins, violas and violoncellos, manufactured more than 100 years prior to date of importation, under such regulations, including proof of antiquity, as may be prescribed by the Minister—

Customs Tariff—*continued*

British Preferential Tariff	Free
Intermediate Tariff	Free
General Tariff	Free

(iii) Antiquities (other than spirits or wines) produced more than 100 years prior to date of importation, under such regulations, including proof of antiquity, as may be prescribed by the Minister—

British Preferential Tariff	Free
Intermediate Tariff	....
General Tariff	....

Provided that, notwithstanding anything to the contrary in this Act or in any other law or regulation relating to Customs, antiquities as described in part (iii) of this item shall, for entry thereunder, be relieved from the requirement as to origin or British Empire content".

Regulations

1. *Under part (i) of item 693.*

A certificate in the form shown hereunder, duly completed by a responsible official of the institution concerned, covering articles entered duty free under part (i) of tariff item 693, shall be made on both port and departmental copies of the Customs entry or on separate forms attached thereto.

CERTIFICATE

The ..... articles numbered consecutively and described
(Quantity)
on a separate sheet attached hereto, imported by .....
(Name of Importer)
are for the ..... of .....
(Name of Institution) (Address)
and will be placed as exhibits in the said institution, and will not be disposed of for other use without this entry first being amended.

.....
(Name of Official of the Institution)

.....
(Date)

.....
(Title of Official)

2. *Under parts (ii) and (iii) of Item 693.*

The duty free entry of antique articles, as provided for in parts (ii) and (iii) of tariff item 693, is subject to compliance with the following conditions:

(*a*) The exporter shall certify on the face of the invoice, which is required in duplicate, that the articles covered thereby are genuine antiques over 100 years old, excepting such modern additions, replacements or other restoration (if any) as are specified therein.

(*b*) The invoice must be accompanied by a certificate, in duplicate, to the same effect signed by the vendor or owner and certified to by a responsible executive official of the national institution of the country of exportation responsible for the encouragement of

Customs Tariff—*continued*

applied arts, or, in lieu thereof, by a responsible executive official of an authentic association of dealers in antiques and works of art acceptable to the Minister, and the antiques, when imported, must bear the seal of said institution or association.

(*c*) In respect of antique articles purchased in the United Kingdom, they must be accompanied by a certificate, in duplicate, signed by the vendor or owner and certified to by the President (or Vice-President) and Secretary of the British Antique Dealers' Association, and the antiques, when imported, must bear the seal of the said association.

(*d*) In respect of antique articles purchased in countries other than the United Kingdom and in which there is no national institution responsible for the encouragement of applied arts nor any authentic association of dealers in antiques and works of art, as referred to in (*b*), such other proof of antiquity as is availabe may be forwarded to the Commissioner of Customs, Ottawa, for examination and decision as to whether the articles may be entered duty free under the item.

Re Qualification as Antiquities.

(1) The term "antiquities" includes, generally speaking, all objects for the adornment of mankind and his dwellings, and all objects of educational value and museum interest, if over 100 years old.

The object must be over 100 years old and substantially as originally made or produced, wear and tear excepted. A reasonable allowance may be made for legitimate repairs and restoration of damaged or missing parts—as a general rule not exceeding one-fifth of the whole—and such shall not invalidate free entry of the antique portion of the article. However, modern additions, replacements or other restoration (100 years old or less) are subject to the usual rate of duty applicable to the object had it been entirely modern.

Old copies of the works of earlier periods, if such copies are over 100 years old, are properly classed as antiquities. They include, for example, Italian Renaissance Bronzes copied from classical models, 18th Century Chinese Porcelains copied from mediaeval originals, and old school copies of pictures by the great masters.

(2) The term "antiquities" shall not include:

(*a*) Antique articles which have been altered from their original form by *modern* additions, or by the introduction of old parts from other antiques in *modern* times, with the result that they are substantially different from what they were when originally made.

Examples—

Spinets which have been turned into dressing-tables;
Chairs which have been extended and made into settees;
Wardrobes converted into book-cases with glazed doors;
Silver mugs made into water jugs.

(*b*) Antique articles which exhibit *modern* added or altered enrichment or decoration.

Customs Tariff—*continued*

Examples—

Plain furniture which has been carved or inlaid;
Old silver which has been chased or engraved;
Old porcelain with modern decorations;
Boxes which have been re-enamelled;
Old pictures which have been largely repainted;
Old prints which have been coloured by hand;
Old needlework, tapestries, and carpets which have been very considerably enlarged, reworked or painted.

(*c*) Antique articles which through time and mis-use have fallen into a dilapidated state and have had to be very extensively restored in *modern* times.

Examples—

Many old paintings and textiles;
Much painted or lacquered furniture;
Old Sheffield plate which has been stripped and electro plated.

Re Certification of Antiquities.

Certificates of the owner or vendor and of responsible executive officials, as provided in conditions (*b*) and (*c*) of these regulations, shall be completed in approved form as per specimen in Appendix I hereto, or in equivalent terms. This form shall contain the description of each antique article, date of production, country of origin and the full invoice value thereof including modern restoration and additions, and shall also contain, as a separate item in respect of each such article, particulars of modern additions, replacements or other restoration, if any, viz.—nature of restoration, and value and country of origin thereof.

Re Sealing of Antiquities.

Every object which is certified by the British Antique Dealers' Association, or other association accepted as authentic certifying authorities, as being over 100 years old, must have the association seal attached. Whenever practicable this is done by affixing a transfer seal.

Objects such as tapestries, carpets, small bronzes or jewels, to which the transfers cannot be applied, are marked by attaching a steel seal.

Pairs or sets manifestly all made at or about the same time are considered as one invoice item and require only one seal, e.g., a porcelain service, a pair of silver candlesticks with same hall mark, or a book of several volumes.

Pairs or sets of articles which are materially different are considered as separate articles and separately sealed, e.g., a pair of silver candlesticks with different hall marks, a set of hangings of different patterns, or a set of chairs which includes modern replicas.

In cases where articles could be reproduced or substituted, each separate piece is sealed.

Re Certifying Associations.

Having reference to conditions (*b*) and (*c*) of these regulations, associations which, to date, are accepted by the Minister as authentic certifying authorities are shown in Appendix II hereto. This list may be added to, after due investigation, as occasion requires and as the Minister may direct.

Customs Tariff—*continued*

APPENDIX I

Dominion of Canada

Certificate in connection with Antiquities to be furnished, in duplicate, to Customs with articles for which duty free entry is claimed under tariff item 693 (ii) and (iii).

Place .....
Date .....

I, ..., ...
(Name) (Official title)

of....., located at.....
(Name of firm or company) (Address)

hereby certify that I am the (owner of the articles described below, and that
(vendor

they are genuine antiquities over one hundred years old, with the exception of such modern additions, replacements or other restoration, if any, as are specified herein—

Description of Article	Date of Production	Country of Origin	Invoice Value	Modern Additions, Replacements or other Restoration		
				Nature	Value	Country of Origin

I certify that the above statements regarding the.....
(Number written in)
articles are true to the best of my knowledge and belief.

.....
(Signature of owner or vendor)

We, the undersigned, being duly authorized on behalf of the .....
..... located at .....
(Name of certifying association) (Address)
certify to the best of our knowledge and belief that the articles above described are over one hundred years old and that the values of the modern additions, replacements and/or other restoration are as stated.

.....
(President or Vice-President)

.....
(Secretary)

.....
(Date)

Note: If there are no modern additions, replacements or other restoration, the word "Nil" is to be inserted.

Customs Tariff—*continued*

APPENDIX II

ASSOCIATIONS ACCEPTED AS AUTHENTIC CERTIFYING AUTHORITIES IN RESPECT OF ANTIQUITIES

1. The British Antique Dealers' Association,
Bank Buildings,
16 St. James's Street,
London, S.W. 1,
ENGLAND.

2. Syndicat des Négociants en Objets d'Art,
Tableaux et curiosités,
67 Boulevard de Courcelles (VIII^{e} Arr^{t}.),
Paris,
FRANCE.

3. Chambre Syndicale des d'Estampes et des
Marchands d'Estampes et Dessins,
Anciens et Modernes,
117 Boulevard Saint-Germain,
Paris,
FRANCE.

4. La Chambre Syndicale des Beaux-Arts et de la Curiosité,
54 Boulevard de Waterloo,
Bruxelles,
BELGIUM.

5. Vereeniging van Handelaren in Oude Kunst in Nederland,
Amsterdam,
HOLLAND.

6. Vereinigung der Antiquitaeten und Kunsthaendler,
Wiens,
AUSTRIA.

7. Association du Commerce d'Art de la Suisse,
Bahnhofstrasse 39,
Zurich,
SWITZERLAND.

8. Asociacion Espanola de Anticuarios,
Apartado 373,
Madrid,
SPAIN.

9. Art & Antique Dealers League of America, Inc.,
138 East 55th Street,
New York 22, N.Y.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

Customs Tariff—*continued*

23.—General Regulations under Section 6 of the Customs Tariff

D. No. 87 Revised.
August 5, 1948.

1. Order in Council P.C. 1618, 2nd July, 1936 (Memorandum D. No. 33 Supplement B.). Articles shall not be deemed to be of a class or kind made or produced in Canada unless a quantity sufficient to supply ten per centum of the normal Canadian consumption of such article is so made or produced.

2. Bona Fide Samples Admitted Without Special Duty

Articles of merchandise for use *bona fide* as samples for sale of similar goods are to be admitted without special duty (subject, however, to ordinary duties as heretofore).

3. Advance in Market Value After Purchase of Goods by Importer not Subject to Special Duty

The amount of any advance in the market value of goods between the time of their purchase by the importer and the date of their exportation to Canada shall not be subject to special or dumping duty, provided the purchase agreement firmly establishes the price and quantity, and final shipment is made within a period in accordance with usual home market practice, and further provided that the actual date of purchase is established to the satisfaction of the Collector by contracts or other sufficient documentary evidence produced for his inspection and attested to.

Under this regulation, increases in the rate of exchange between the date of purchase and date of shipment may be considered as effecting an advance in the market value of goods.

Note—In respect of goods subject to an ad valorem duty, the *ordinary duty* shall be collected on the fair market value of the goods at the time and at the exchange rate on the date of their direct exportation to Canada under the provisions of the Customs Act.

4. Cash Discounts

Special or dumping duty will not apply on account of the allowance to the purchaser in Canada of a cash discount similar in percentage and terms with that allowed generally by the exporter on home market sales.

Note.—The Customs Act makes no provision for deduction of a cash discount for ordinary duty purposes. The fair home market value shown on invoices requires to be that on usual credit terms, and the cash discount which may be taken for cash settlement should be shown in accordance with home market practice only as terms with details as to percentage and time limitation. Where, through inadvertence, a cash discount is shown deducted on invoices, an undertaking will be required from the importer that same will not be taken unless earned by settlement in accordance with such terms.

5. Freight Allowances

Where goods are sold generally in the home market of the exporter at a common delivered price (freight prepaid or allowed) to all destinations in a prescribed territory in which the place of direct shipment to Canada is

Customs Tariff—*continued*

located, a similar allowance may be granted to the purchaser in Canada without rendering importations liable to special duty. Such allowance may not exceed the actual carriage charges to destination in Canada.

NOTE.—This allowance is not allowable for ordinary duty purposes, and should therefore be deducted as such only in the selling price column on invoices but not deducted when determining and showing the fair market value in principal markets of the country of export and at the place of direct shipment to Canada.

6. DEFERRED QUANTITY ALLOWANCES

Deferred allowances granted generally in the home market on the basis of quantity purchased, when similarly granted to purchasers in Canada, will not subject importations to special duty.

NOTE.—Such allowances not shown and allowed and deducted on home market invoices may not be allowed for ordinary duty purposes.

Invoices to be consistent with the certificate thereon should bear a notation that the selling price is subject to a deferred quantity allowance as allowed generally in the home market.

7. JOB LOTS, SECONDS, ETC.

Special or dumping duty is not applicable to *bona fide* job lots, remnants, seconds or defective goods and used or second-hand goods, the values of which have been appraised, where the selling price to the purchaser in Canada is not less than the price as sold for home consumption under like conditions.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

24.—Regulations prescribed under Item 709 of the Customs Tariff

D. 49 TMR1 2nd Rev.
5th September, 1946

Tariff Item 709, as in effect the 28th June, 1946:—

(*a*) Goods, including containers or coverings filled or empty, the growth, produce or manufacture of Canada, after having been exported therefrom .....

British Preferential Tariff	Free
Intermediate Tariff	Free
General Tariff	Free

(*b*) Goods, including containers or coverings filled or empty, which have once been entered for consumption in Canada and have been exported therefrom .....

British Preferential Tariff	Free
Intermediate Tariff	Free
General Tariff	Free

All the foregoing under such regulations as the Minister may prescribe.

Customs Tariff—*continued*

Provided that the goods are returned within five years from the time of exportation without having been advanced in value or improved in condition by any process of manufacture or other means, or combined with any other article abroad;

Provided also that any such goods on which a refund of duty or allowance of drawback has been made shall not be admitted to entry under this item except upon payment of duties equal to the refund or drawback allowed;

Provided further that any of such goods manufactured in bond or under excise regulations in Canada and exported shall not be admitted to entry except upon payment of the Customs or Excise duties to which they would have been liable had they not been exported from Canada.

Regulations

1. Goods other than containers or coverings:

A certificate in the following form, duly completed, shall be placed on the face of the duty free import entry:—

"I hereby certify that the .....
(Description of Goods)
included in this entry (are the produce or manufacture of Canada)
(have been previously entered for consumption in Canada)
that they were exported in the month(s) of ..... 19....
by ..... as per copy of export entry or
(Name of Exporter)
declaration attached hereto, that they are now returned to the undersigned without having been advanced in value or improved in condition by any process of manufacture or other means, or combined with any other article abroad, that they were not manufactured in bond or under excise regulations in Canada, and no exemption from nor refund or drawback of Customs and Excise duties and taxes has been granted except as follows .....

....
(Place) (Name of Importer)

..... 19.... .....”
(Date) (Signature)

When copies of export entries are not available, a declaration of the exporter of the goods from Canada or of the importer of the goods into Canada which clearly identifies the goods claimed entry under Item 709 as having been produced or manufactured in Canada or as having been previously entered for consumption in Canada may be accepted.

2. *Containers or Coverings:*

Containers or coverings, upon which duty has once been paid and which are to be exported and later returned to Canada, are to be branded, marked, have tag or seal attached, or have some other means of identification applied thereto by an officer of Customs, or under his direction, prior to exportation, unless such articles bear serial numbers or other adequate marks of identification moulded, etched, engraved, stamped, or otherwise permanently placed thereon, and the examining officer shall keep a record of the identification marks of the articles at the time of their first exportation from Canada.

Customs Tariff—*continued*

In the case of containers or coverings *being returned to the port of exportation,* a statement showing the numbers and dates of the last export entries and also the indentification marks and/or numbers on the articles returned may be accepted in lieu of copies of export entries, inasmuch as the port copies of the export entries are available to check against the statement. In all other cases a copy (copies) of the last export entry (entries) shall be furnished with the import entry.

A certificate in the following form, duly completed, shall be placed on the face of the duty free import entry:—

"I hereby certify that duty has once been paid in Canada on the ..... included in this entry, that they were last exported
(Type of container)
in the month(s) of ..... 19...., by .....
(Name of exporter)
as per copy (copies) of export entry (entries) or statement attached hereto, that they were recorded at the port of ..... at the time
(Name of Port)
of their first exportation from Canada, and that they are now returned to the undersigned without having been advanced in value or improved in condition by any process of manufacture or other means, or combined with any other article abroad.

....
(Place) (Name of Importer)
..... 19.... .....,"
(Date) (Signature)

3. In addition a certificate in the following form, duly completed, shall be placed on the face of the duty free import entry:—

"The ..... covered by this import entry were
(Description of goods)
examined by me on ....., 19.... and I am satisfied that
(Date)
they are, in all particulars, as described on the export entry or entries or declaration and entitled to entry under tariff item 709.

....."
(Signature of Customs Officer)

.....
(Name of Port)

..... 19....
(Date)

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

25.—Consolidated Departmental Regulations governing tourists' outfits and travellers' baggage

D12, 2nd Revision
17th December, 1947.

Consolidation of the Regulations Relating to the Temporary Admission of Tourists' and Travellers' Baggage.

(Customs Tariff, Item 703(a))

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

Customs Tariff—*continued*

TOURISTS' OUTFITS

1. Articles of a character ordinarily classified as Tourists' or Sportsmen's equipment, imported into Canada by non-resident visitors, for temporary use, are admissible without payment of duty and taxes upon report on Temporary Admission Report, Form E-29, or, if no cash deposit is required, included on Form E-50 (Travellers' Vehicle Permit).

2. This authority for free entry is conditional on the imported articles being (*a*) imported for the tourist's personal use, (*b*) actually in the tourist's possession at the time of his arrival in Canada, and (*c*) reported to Canadian Customs for identification on report outwards, within six months from the date of entry, the Permit being surrendered at that time.

3. The concessions ordinarily granted to *bona fide* tourists are extended to the personal effects of non-resident students entering Canada for the purpose of attending institutions of learning, the condition being, however, that exportation shall be effected, under Customs supervision, immediately after the conclusion of the school term or course.

4. For the purposes of ready reference, the conditions of entry of the various articles ordinarily included in Tourists' Outfits are given below:—

Description of Goods	*Conditions of Entry*
Alcoholic Liquor	One quart by each adult person free of duty; balance prohibited importation.
Ammunition	Not exceeding 50 rounds, free of duty; balance dutiable.
Automatic Pistols (including auto-loading)	Prohibited entry, without exception.
Boats, portable	E-29, without security.
Cameras	E-29, without security.
Camping Equipment	E-29, without security.
Canoes	E-29, without security.
Cigarettes	200 or less, free of duty; balance dutiable.
Cigars	50 or less, free of duty; balance dutiable.
Dogs, pet (*see* footnote "b")	Considered as part of personal baggage and admitted without report and free of duty.
Dogs, hunting	E-29, without security.
Film, photographic	Not exceeding 6 rolls, free of duty; balance dutiable.
Fishing Tackle	E-29, without security.
Foodstuffs, etc.	Quantity sufficient for not more than two days' consumption, free of duty; balance dutiable.
Furniture, household, for temporary use	E-29, with security equal to duty and taxes.
Furniture and effects, owned by non-resident importers for at least six months before entry into Canada, and for permanent equipment of a summer residence	Free of duty and taxes under Entry Form B4½.
Gasoline	Quantity sufficient for 300 miles travel by automobile, free of duty.
Motion Picture Cameras	E-29, without security.
Musical Instruments	E-29, without security.
Oil, motor	Quantity sufficient for 300 miles travel by automobile, free of duty,
Outboard Motors	E-29, without security.
Pets, other than dogs	E-29, without security.
Pistols, not automatic (*see* footnote "a")	Prohibited entry except under exceptional conditions and then only upon departmental authority. If authorized, E-29, with security equal to duty and taxes.
Radios	E-29, without security.

Customs Tariff—*continued*

Revolvers (*see* footnote "a")	Prohibited entry except under exceptional conditions and then only upon departmental authority. If authorized, E-29, with security equal to duty and taxes.
Rifles (regular or auto-loading) for sporting use (*see* footnote "a")	E-29, without security.
Shotguns (regular or auto-loading) for sporting use (*see* footnote "a")	E-29, without security.
Sports Equipment	E-29, without security.
Stenotype Machines	E-29, without security.
Tobacco, manufactured	Two pounds or less, free of duty; balance dutiable.
Typewriters	E-29, without security.

NOTE:

(*a*) Non-British subjects importing firearms must immediately register them with the local Police authorities, in order that they may legally *possess* them in Canada.

(*b*) Under regulations of the Canadian Department of Agriculture all dogs for entry into Canada from the United States of America shall be accompanied by a certificate in one of the following forms:—

(i) A certificate signed or endorsed by a Veterinary Inspector of the United States Bureau of Animal Industry certifying that the dog has been inspected and found free from any symptoms of any contagious disease, that the dog has not been exposed to the infection of rabies and that no case of rabies has occurred within a radius of fifty miles of the place where the dog has been kept for six months immediately prior to the date of being en route to Canada; the certificate shall be surrendered at the Canadian port of entry;

(ii) A certificate signed by a licensed veterinarian of Canada or the United States certifying that the dog has been vaccinated against rabies during the preceeding six months; such certificate shall carry an adequate and legible description of the dog and date of vaccination and shall be initialled by the inspecting official at the port of entry and returned to the owner.

Dogs originating in the United States of America may pass through Canadian territory from and to points in the United States of America without a certificate referred to in subsection (*b*) if the journey through Canadian territory is made without unnecessary stopovers, the dog is not allowed to come in contact with Canadian dogs and the owner or custodian thereof has undertaken in writing that these conditions will be complied with.

Dogs originating in Canada and passing through United States territory from and to points in Canada may re-enter Canada without the certificate referred to in subsection (*b*) if the journey through United States territory is made without unnecessary stopovers, the dog is not allowed to come in contact with United States dogs and the owner or custodian thereof has indicated in writing that these conditions have been complied with.

Performing dogs entering Canada for temporary stay and kept under direct control while in Canada are exempt from this section.

This certificate must be shown to the Canadian Customs officer at each time of entry of the dog into Canada.

Customs Tariff—*continued*

TRAVELLERS' BAGGAGE

5. *General Provisions.*—Wearing apparel, articles of personal adornment, toilet articles and similar personal effects of persons arriving in Canada may be passed free, without entry at Customs, as travellers' baggage, under the provisions of the Customs Tariff, but this provision shall include only such articles as actually accompany and are in the use of and as are necessary and appropriate for the wear and use of such persons for the immediate purpose of the journey and present comfort and convenience, and shall not be held to apply to merchandise or articles intended for other persons or for sale. *Merchandise for Sale, when brought into Canada as baggage, is subject to duty and to entry at Customs in the same manner as goods imported by freight or express.*

6. *Tools of Trade.*—Usual tools of trade, occupation or employment of a workman, previously used by him, if imported for his personal use and actually in his possession at the time of his arrival in Canada may be admitted free as Travellers' Baggage .

RETURNING RESIDENTS' EXEMPTION

7. Under the provisions of the Customs Tariff, entry free of customs duty and all other imposts is granted in respect of "goods valued at not more than one hundred dollars included in the baggage accompanying residents of Canada returning from abroad after an absence from Canada of not less than 48 hours and acquired by them for personal or household use or as souvenirs or gifts, but not bought on commission or as an accommodation for other persons or for sale, under regulations prescribed by the Minister, provided that a resident of Canada shall not be entitled to the exemption herein granted within a period of four months from the date of the last exemption allowed, nor shall the exemption be allowed on alcoholic beverages in excess of one quart, or on tobacco in excess of fifty cigars, two hundred cigarettes and two pounds of manufactured tobacco."

The following regulations have been prescribed by the Minister:—

(*a*) All goods in respect of which exemption is claimed shall be declared in writing on Customs Declaration Form E.24, in triplicate unless the total value upon which exemption claimed does not exceed $5.

(*b*) The exemption granted shall be limited to goods actually accompanying a returning resident of Canada and brought in by him as baggage at the time exemption is claimed, and shall not be granted to any person under the age of fourteen years.

(*c*) A person who has been allowed exemption of less than $100 on a previous occasion shall not be entitled to add to the amount of a subsequent exemption the difference between the amount previously allowed and full exemption.

(*d*) Goods belonging to one person cannot be included in the exemption claimed by another.

(*e*) Returning residents must state in their declaration in Canadian currency the price actually paid for all goods purchased abroad in respect of which exemption is claimed, and must state a fair market value for all goods obtained abroad other than by purchase, such as gifts. The purchase price or value stated is not

Customs Tariff—*continued*

necessarily the value for duty, but must be declared in order to assist the appraising officer in arriving at the correct value for duty. To facilitate appraisal invoices or sales slips should be presented where possible.

(*f*) If personal effects or goods taken abroad be advanced in value or improved in condition while abroad by reason of repairs or alterations further than that necessarily incidental to wear and use while abroad, the cost or value of such repairs or alterations is subject to duty. Such cost or value may, however, be included within the $100 exemption.

(*g*) In cases where goods for which exemption is claimed have a combined value of over $100, exemption is to be applied, where practicable, to the goods subject to the highest rates of duty.

(*h*) All dutiable goods obtained abroad for which exemption cannot be allowed, must be entered at customs and duty paid in the ordinary course.

(*i*) These regulations shall not be construed to be applicable to any goods the importation of which is prohibited, except as specifically provided for in Tariff Item 703 (*b*).

26.—Regulations respecting the importation of engines and complete parts thereof for fishing boats

D. 49 TMR 15
7th January, 1948

The following regulations have been prescribed by the Minister of National Revenue respecting the importation of engines and complete parts thereof under item 440k of the Customs Tariff.

REGULATIONS

Engines and complete parts thereof for fishing boats shall not be admitted to entry under tariff item 440k unless one of the following certificates is subscribed to on the face of the import entry:

(*a*) "The engine covered by this entry is imported for ..... of ....., a fisherman, and will be used exclusively in the propulsion of a fishing boat, or in hoisting nets and lines used in such boat, owned by him and used for his personal use in the fisheries."

(*b*) "The engine parts covered by this entry are imported for ..... of ....., a fisherman, and will be used only as complete parts of an engine exclusively in the propulsion of a fishing boat, or in hoisting nets and lines used in such boat, owned by him and used for his personal use in the fisheries."

In all other cases duty is to be paid at the regular rate at time of entry, subject to refund of excess duty when engine or complete parts are used as outlined in the item, provided the refund claim is accompanied by a certificate from the fisherman concerned certifying to the effect that the engine or complete parts will be used exclusively in the propulsion of a fishing boat, or in hoisting nets and lines used in such boat, owned by him and used for his personal use in the fisheries.

D. SIM,
Deputy Minister of National Revenue,
Customs and Excise.

Customs Tariff—*continued*

27.—Prepayment of Import Duty by Customs Duty Stamps on advertising matter

Series D. No. 49.
TMR 2 (Second Revision)

DEPARTMENT OF NATIONAL REVENUE
(Customs Division)

January 12, 1949.

The following regulations and instructions in connection with the prepayment of import duty by Customs Duty Stamps on advertising matter dutiable under Part (ii) of Tariff Item 178 are established by the Minister of National Revenue under authority of Tariff Item 178a:—

1. Customs Duty Stamps may be obtained in denominations of one, two, five and ten cents for the prepayment of import duties on advertising pamphlets, price-lists and catalogues and other advertising matter specified in tariff item 178 and dutiable under Part (ii) of the item. Orders for stamps are to be directed to the Deputy Minister of National Revenue (Customs and Excise), Ottawa, Canada. Applications are to be accompanied by either a Money Order, Bank Draft or certified Cheque payable to the Receiver General of Canada. Foreign Postal Notes are not acceptable. Customs Duty Stamps are also obtainable on application with remittance to the Secretary, High Commissioner for Canada, Canada House, Trafalgar Square, London, S.W.1, England. Customs Duty Stamps are redeemable at the discretion of the Department.

2. Customs Duty Stamps are to be affixed on each piece of mail matter for the amount of duty payable on the same ,and should be affixed in accordance with the postal regulations of the country of despatch; e.g., in United States on reverse side of the piece.

3. Mail matter bearing Customs Duty Stamps shall be transferred to Customs after arrival in Canada and before delivery to addressees, to be checked for the proper payment of duty and to have the Customs Duty Stamps thereon cancelled by marking same with the Customs "Duty Paid" stamp, Customs dating stamp, or other cancellation stamp.

4. Item 178*a* of the Customs Tariff provides:—

On the goods specified in Item 178 and dutiable under Part (ii) of the item, when forwarded to Canada by mail, duties may be prepaid by Customs revenue stamps, under regulations by the Minister, at the rate specified in the said part item, except that on each separate package weighing not more than one ounce, the duty shall be each—

British Preferential Tariff	1 ct.
Most-Favoured-Nation Tariff	2 cts.
General Tariff	2 cts.

Customs Tariff—*continued*

5. The articles specified in Tariff Item 178 are: "Advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogues and price lists; advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromotypes, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisement purposes, n.o.p."

On advertising matter referred to in the preceding paragraph and dutiable under Part (ii) of Tariff Item 178, when forwarded by mail, the Customs Duty may be prepaid by affixing Customs stamps thereon according to the following scales, viz:—

From, and the Product of, Countries to Which the British Preferential Tariff Applies:

	Duty
Up to and including 3 ozs.	1c
Over 3 ozs. and not exceeding 6 ozs.	2c
Over 6 ozs. and not exceeding 9 ozs.	3c
Over 9 ozs. and not exceeding 12 ozs.	4c
Over 12 ozs. and not exceeding 16 ozs.	5c
Each additional pound	5c

From, and the Product of, the United States of America and Other Countries to Which the Most-Favoured-Nation Tariff Applies

	Duty	
Up to and including 1 oz.	2c	
Over 1 oz. and not exceeding 3 ozs.	3c	but not less than 25 per cent
Over 3 ozs. and not exceeding 5 ozs.	4c	" " "
Over 5 ozs. and not exceeding 7 ozs.	5c	" " "
Over 7 ozs. and not exceeding 9 ozs.	6c	" " "
Over 9 ozs. and not exceeding 11 ozs.	7c	" " "
Over 11 ozs. and not exceeding 13 ozs.	8c	" " "
Over 13 ozs. and not exceeding 15 ozs.	9c	" " "
Over 15 ozs. and not exceeding 16 ozs.	10c	" " "
Each additional pound	10c	" " "

From Countries to Which the General Tariff Applies

	Duty	
Up to and including 1 oz.	2c	
Over 1 oz. but not exceeding 2½ ozs.	4c	but not less than 35 per cent
Over 2½ ozs. and not exceeding 4 ozs.	5c	" " "
Over 4 ozs. and not exceeding 5½ ozs.	6c	" " "
Over 5½ ozs. and not exceeding 7 ozs.	7c	" " "
Over 7 ozs. and not exceeding 8½ ozs.	8c	" " "
Over 8½ ozs. and not exceeding 10 ozs.	9c	" " "
Over 10 ozs. and not exceeding 11 ozs.	10c	" " "
Over 11 ozs. and not exceeding 12 ozs.	11c	" " "
Over 12 ozs. and not exceeding 13 ozs.	12c	" " "
Over 13 ozs. and not exceeding 14 ozs.	13c	" " "
Over 14 ozs. and not exceeding 15 ozs.	14c	" " "
Over 15 ozs. and not exceeding 16 ozs.	15c	" " "
Each additional pound	15c	" " "

Customs Tariff—*concluded*

These regulations do not apply to the articles of advertising matter specified in Tariff Item 178 and entitled to entry under Part (i) of the Item, nor to advertising matter covered by Tariff Item 178*b*, when they are imported under the British Preferential Tariff regulations. These read as follows:—

Ex. Item 178—"(i) when produced in countries entitled to the British Preferential Tariff and relating exclusively to products of such British countries, but not relating to Canadian products.
British Preferential Tariff ..... Free"

Item 178*b*—"Printed advertising matter issued by railway systems in the British Empire (not including railways systems operating in Canada).
British Preferential Tariff ..... Free"

These regulations also do not apply to advertising matter specified in tariff item 178 and as covered by Ex. (ii) of the Item, when the advertising matter is not specially designed to advertise the sale of goods or services rendered by any person in Canada, and it is produced in and imported from the United States of America or any other country to which the Most-Favoured-Nation Tariff applies. This Item reads as follows:—

Item 178 "Ex.(ii) Advertising and printed matter, whether imported by mail or otherwise, when in individual packages valued at not more than $1.00 each and when not imported for sale or in a manner designed to evade payment of customs duties.
Most-Favoured-Nation Tariff ..... Free"

D. SIM,
Deputy Minister of National Revenue, Customs and Excise

DAIRY CATTLE, EXPORT OF

See LIVE STOCK AND LIVE STOCK PRODUCTS ACT.

DAIRY INDUSTRY ACT. (R.S.C., 1927, c. 45)

For CONDENSED, EVAPORATED AND DRIED MILK *see* MEAT AND CANNED FOODS ACT.

The Dairy Industry Regulations

P.C. 5235

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 14th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Agriculture and pursuant to the provisions of the Dairy Industry Act, Revised Statutes of Canada, 1927, chapter 45, is pleased to order as follows:

1. The Dairy Industry Regulations established by Order in Council P.C. 2638 of 10th June 1948, as amended, are hereby revoked; and

2. The annexed regulations entitled "The Dairy Industry Regulations" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Dairy Industry Act—*continued*

The Dairy Industry Regulations

Short Title

1. These regulations may be cited as "The Dairy Industry Regulations."

Interpretation

2. In these regulations,

(*a*) "Act" means the Dairy Industry Act;

(*b*) "brand" means any mark, stencil, stamp, label or writing placed on any dairy product, or on any package containing any dairy product, to identify it or to designate its grade or classification, the place of manufacture or the country of origin;

(*c*) "butter" means butter manufactured exclusively from milk or cream or both, with or without colouring matter, salt or other harmless preservatives;

(*d*) "Cheddar cheese" or "Canadian Cheddar cheese" means cheese made in Canada by the Cheddar process from heated and pressed curd obtained by the action of rennet or other coagulating agent on whole milk;

(*e*) "cheese" means the product made from curd obtained from milk, skim-milk, cream or any mixture of these by coagulating the casein thereof;

(*f*) "cream cheese" means soft cheese made from curd obtained from cream or milk to which cream has been added;

(*g*) "creamery" means a place where the milk or cream of not less than fifty cows is manufactured into butter;

(*h*) "creamery butter" means butter that is manufactured in a creamery;

(*i*) "dairy" means a place where the milk or cream of less than fifty cows is manufactured into butter;

(*j*) "dairy butter" means butter that is manufactured in a dairy;

(*k*) "dairy product" means any milk, cream, condensed milk, evaporated milk, milk powder, butter, cheese, ice cream, or any other product manufactured from milk and all imitations thereof;

(*l*) "factory" means a place where any dairy product is manufactured or processed;

(*m*) "grader" means any person duly appointed as a Dairy Produce Grader;

(*n*) "ice cream" means a frozen product made from a milk product or products with or without eggs, water, sugar, permitted flavouring, colouring or edible stabilizer;

(*o*) "ice cream mix" means the unfrozen product used in the manufacture of ice cream;

(*p*) "imitation ice cream" means any frozen or semi-frozen product of whatever origin, source or composition, which has the appearance of and is prepared for the same uses as ice cream or sherbet, or which is made in imitation or semblance of ice cream or sherbet, or is prepared or frozen as ice cream or sherbet is customarily prepared or frozen and which is not ice cream or sherbet;

(*q*) "inspector" means any person duly authorized by the Minister to enforce the provisions of the Act and these regulations;

Dairy Industry Act—*continued*

(*r*) "manufacture" as applied to butter includes the reworking of butter and as applied to cheese includes the processing of cheese;

(*s*) "milk products" means milk fat, cream, butter, milk, evaporated milk, skim-milk, condensed milk, sweetened condensed milk, condensed skim-milk, sweetened condensed skim-milk, dry whole milk, dry skim-milk, butter milk, condensed butter milk and dry butter milk;

(*t*) "Minister" means the Minister of Agriculture;

(*u*) "package" means any box, tub, crock, tin, crate, paper wrapper, carton or any other receptacle or covering used for the packing of dairy products;

(*v*) "package cheese" means process cheese or the product resulting from the comminuting and mixing of one or more lots of cheese without the aid of heat or emulsifying agents;

(*w*) "process cheese" means the food product produced by comminuting and mixing one or more lots of cheese with the aid of heat and emulsifying agents into a homogeneous mass;

(*x*) "sherbet" means a frozen product other than ice cream made from a milk product or products with or without eggs, water, sugar, honey, fruit, fruit juices, permitted flavouring, colouring or edible stabilizer;

(*y*) "skim-milk cheese" means cheese that in the water free substance contains less than forty-eight per centum of milk fat, or which is made from or by the use of milk commonly known as "skim-milk", or from milk from which any cream has been removed, or from milk to which skim-milk has been added;

(*z*) "whey" is the product remaining after the removal of fat and casein from milk in the process of cheesemaking;

(*aa*) "whey butter" means butter which is manufactured from whey;

(*ab*) "whey cream" means cream which has been separated from whey.

Part I

Branding and Standards

Registration of Factories

3. (1) Every person who manufactures or intends to manufacture Cheddar cheese, creamery butter or whey butter, or who processes or intends to process cheese, shall register with the Minister each factory owned or operated by him and shall obtain a certificate of registration therefor.

(2) Applications for registration shall be in the form set out in Schedule 1.

(3) A register of all factories registered in accordance with subsection one, shall be kept in the Department of Agriculture.

(4) Each factory shall upon registration be assigned a registration number.

(5) Where a factory is required to have a licence or permit under the law of the province, no registration thereof shall be made under this section until such licence or permit is obtained.

Dairy Industry Act—*continued*

Record Books

4. (1) Every manufacturer of whey butter who purchases whey cream shall keep a special book in which he shall enter a record of all whey cream received by him and the record shall show the date each shipment was received, the person from whom each shipment was received, the number of pounds of whey cream, the percentage of fat and the number of pounds of fat in each shipment and the total pounds of fat received and the number of pounds of whey butter made each day.

(2) Every person who manufactures and sells whey butter wholesale or retail, and every person who sells whey butter wholesale, shall keep a special book in which he shall enter the date of each sale, purchase and shipment of whey butter, the quantity sold, purchased or shipped, and the name and address of the person from whom it has been purchased and to whom it has been sold or shipped, and the name of the railway or steamship company or other transportation agency, by which such butter is transported.

(3) Every person who reworks dairy butter, or reworks or blends dairy butter with creamery butter, shall keep a special book in which he shall enter the date of each purchase of dairy butter, the name and address of the person from whom it has been purchased, the quantity purchased, the date of each sale, and the quantity sold.

(4) The books and records required to be kept under this section shall contain no entries other than those mentioned in this section and shall at all times be open for inspection by any inspector.

Compulsory Branding of Butter and Cheese

5. (1) Packages containing creamery butter, whey butter or dairy butter, cut and packed as described in subsection three of section six of the Act, and packages containing cheese as described in subsection two of section eight of the Act, and cheese and packages containing cheese other than uncut Cheddar, shall be branded with

(*a*) the name and address of either the wholesale or retail dealer, manufacturer, cutter, jobber, creamery or cheese factory of origin, or

(*b*) the registered number of the creamery or cheese factory of origin.

(2) Except as otherwise provided in subsection one

(*a*) every manufacturer of Cheddar cheese, creamery butter, or whey butter shall brand at the factory each Cheddar cheese and each package containing Cheddar cheese, creamery butter, or whey butter, with the registered number of the factory;

(*b*) creamery butter or whey butter shall be branded with the registered number of the factory at the time of packing;

(*c*) every Cheddar cheese and every package containing Cheddar cheese or creamery butter or whey butter shall be marked at the factory with the vat or churning number, such vat and churning numbers to run consecutively throughout the calendar year, commencing with number one on packages containing creamery butter or whey butter and with number one hundred on Cheddar cheese and packages containing Cheddar cheese;

Dairy Industry Act—*continued*

(*d*) every Cheddar cheese and every package containing Cheddar cheese shall be marked at the factory with the date of manufacture which shall indicate the day of the month, the month of the year and the year; the day of the month and the month of the year shall be indicated "21/1", the first number indicating the day of the month and the second number the month of the year; the year shall be indicated "1948" and shall be placed immediately below the day of the month and the month of the year as "$\frac{21/1}{1948}$".

(*e*) every package containing creamery butter or whey butter shall be marked at the factory with the date of manufacture in the manner prescribed for Cheddar cheese in paragraph (*d*) except that the year is not required.

(3) All Cheddar cheese shall be correctly branded as required by these regulations within twenty-four hours after removal from the press, and all packages containing cheese or butter shall be correctly branded as required by these regulations at the time of packing.

(4) Any stencil, stamp or other device used to apply the registered number to cheese and to packages containing cheese, creamery butter or whey butter of a net weight of more than twenty-five pounds shall be in the form and size set forth in Schedule 2.

6. Skim-milk cheese, within twenty-four hours after removal from the press, shall be branded on the side with the words "skim-milk cheese", and every box and package containing skim-milk cheese, before leaving the factory, shall be branded with the words "skim-milk cheese".

7. (1) All brands required by these regulations to be placed on cheese and on packages containing cheese or butter, where the net weight is more than twenty-five pounds, shall be legible and indelible and shall consist of type not less than sixty point face extended capitals (preferably Gothic).

(2) All brands required by these regulations to be placed on cheese and on packages containing cheese or butter, where the net weight is twenty-five pounds or less but one pound or more, shall consist of type not less than twenty-four point face extended capitals (preferably Gothic).

(3) All brands required by these regulations to be placed on packages containing cheese or butter, where the net weight is less than one pound, shall consist of type not less than twelve point face extended capitals (preferably Gothic).

(4) All brands required by these regulations to be placed on packages containing cheese as described in subsection two of section eight of the Act, and on packages containing butter as described in subsection three of section six of the Act, shall be legibly and indelibly placed on the main panel of the package.

8. No person shall offer, sell or have in his possession for sale

(*a*) any package containing whey butter unless the package is branded with the words "whey butter";

(*b*) any package containing dairy butter mixed with creamery butter unless the package is branded with the words "dairy butter";

Dairy Industry Act—*continued*

(*c*) any skim-milk cheese unless the side of the cheese and the outside of the package containing the cheese is branded with the words "skim-milk cheese";

(*d*) any wrappers containing dairy butter moulded or cut into prints, blocks, squares or pats unless the wrappers are branded with the words "dairy butter";

(*e*) any dairy product or package containing a dairy product that is not branded as required by these regulations; or

(*f*) by retail

(i) any skim-milk cheese unless a placard bearing the words "skim-milk cheese" in letters at least sixty point face extended capitals (preferably Gothic) is displayed on the cheese in such a manner as to be clearly visible to purchasers;

(ii) any whey butter unless a placard bearing the words "whey butter" in letters at least sixty point face extended capitals (preferably Gothic) is displayed on the butter in such a manner as to be clearly visible to purchasers, or unless the butter is packed or cut into prints, blocks, squares or pats and wrapped in parchment paper that is branded with the words "whey butter"; or

(iii) any dairy butter or any butter consisting of a mixture of dairy butter and creamery butter, that is packed in boxes similar to those used for packing creamery butter or that was turned out of such boxes, unless a placard bearing the words "dairy butter" in letters at least sixty point face extended capitals (preferably Gothic) is displayed on the butter in such manner as to be clearly visible to purchasers.

9. (1) Every person who packs dairy butter in packages similar to those used for the packing of creamery butter shall cause such packages of dairy butter to be branded with the words "dairy butter" at the time of packing.

(2) Every manufacturer of whey butter shall cause the packages containing it to be branded with the words "whey butter" at the time of packing.

(3) Every person who mixes dairy butter with creamery butter shall cause the packages containing such mixed butter to be branded with the words "dairy butter" at the time of packing.

10. When butter is packed in tubs or boxes, all brands required by these regulations shall be applied on the side of the tubs or boxes.

Removal of Cheese and Butter Brands

11. No person, except the final purchaser or consumer, shall remove, obliterate or erase, or cause to be removed, obliterated or erased, any brand, churning number, registered number, vat number or date mark placed upon any cheese or upon any package containing cheese or butter as required by these regulations.

Prohibited Branding of Butter and Cheese

12. (1) Subject to subsection two no person shall brand any package containing butter with the words "creamery butter", or with any combination of the word "creamery" unless such butter is creamery butter.

Dairy Industry Act—*continued*

(2) Whey butter or dairy butter that is otherwise branded in accordance with these regulations may also be branded with the manufacturer's name and address whether or not such name includes the word "creamery", if the size of type used to show the name of the manufacturer is not greater than that used in other brands on the package.

(3) No person shall use the word "Canadian", "Canadien" or "Canada" as a descriptive mark or brand, upon any cheese or upon any box or package that contains cheese or butter, unless such cheese or butter was produced in Canada.

(4) No person shall falsely brand any cheese or any package containing cheese or butter as to the country, province, factory or creamery of origin, or as to the vat number, the churning number, or the date of manufacture.

(5) No person shall brand any package containing butter with any fictitious creamery name or with any word that might be construed as a creamery name, unless such name or word is followed by the word "brand".

Compulsory Branding of Ice Cream and Sherbet

13. (1) No person shall sell, offer or have in his possession for sale any package containing five fluid ounces or more of ice cream or sherbet unless the package contains a full net volume of one-quarter pint, one-half pint, one pint, one quart or multiples of a quart and bears a true and accurate statement of the net volume of the contents expressed in pints, quarts, gallons or fractions thereof.

(2) No person shall sell, offer or have in his possession for sale any package containing less than five fluid ounces of ice cream or sherbet unless the net volume of the contents thereof is expressed thereon in terms of fluid ounces.

(3) Any package mentioned in subsection one or two that was prepared and packed by the manufacturer shall bear the name and address of the manufacturer or the person for whom the product was manufactured.

(4) The marks required by this section shall be plainly legible and indelible and shall be in type of not less than twelve point face extended capitals (preferably Gothic) on packages marked one pint or less and in type of not less than twenty-four point face extended capitals (preferably Gothic) on all other packages.

14. (1) No person shall sell, offer or have in his possession for sale any ice cream or sherbet in bulk in any can, tank or other receptacle unless the can, tank or other receptacle is plainly, legibly and indelibly marked with the name of the manufacturer of the ice cream or sherbet in type of size appropriate to the size of the can, tank or other receptacle and no person other than the owner of such can, tank or other receptacle shall remove, cover or conceal such markings.

(2) Containers or cabinets used for the storage of ice cream or sherbet in any package, can, tank, or other receptacle, shall be plainly, legibly and indelibly marked, in type of size appropriate to the size of the container or cabinet, with the name and address of the owner of such container or cabinet, and no person other than the owner of such container or cabinet shall remove, cover or conceal such markings.

Dairy Industry Act—*continued*

Prohibited Branding of Ice Cream and Sherbet

15. No person shall sell, offer or have in his possession for sale any ice cream or sherbet contained in or dispensed from any can, tank or receptacle that is falsely marked as to the name of the manufacturer of the ice cream or sherbet or otherwise.

Containers of Ice Cream or Sherbet

16. (1) No container or cabinet used for the storage of ice cream or sherbet and that is the property of a manufacturer of ice cream or sherbet shall be used for the storage of any ice cream or sherbet manufactured by any person other than the owner of such container or cabinet.

(2) Any returnable can, tank or receptacle in which ice cream or sherbet has been packed by the manufacturer thereof and delivered to retailers for resale to consumers shall when empty be promptly returned to the manufacturer and shall not be refilled or otherwise used by such retailer.

Standards of Dairy Products

17. The standards of dairy products are as follows:

(*a*) cheese shall be made by coagulating the casein of the milk, skim-milk or cream or mixture thereof with rennet, lactic acid or any suitable enzyme or acid, and with or without further processing or the addition of other wholesome ingredients, such as fresh milk solids, ripening ferments, special moulds, emulsifying agents, seasoning or colouring matter and shall not contain any preservative other than sodium chloride;

(*b*) cream cheese shall be made from curd obtained from the action of either lactic fermentation or rennet or both on cream or milk to which cream has been added and the curd, heated or unheated, salted or unsalted, shall be drained by gravity and light pressure; the finished product shall contain not more than fifty-five per centum of water and in the water free substance not less than sixty-five per centum of milk fat;

(*c*) process cheese may contain added water, solids derived from milk, with harmless emulsifying agents, harmless preservatives, harmless colouring matter, seasoning, relishes, condiments, but fats and oils other than milk fat shall not be used; the finished product shall contain

(i) if manufactured from a Cheddar or hard cheese base not more than forty-three per centum of water and not less than forty-eight per centum of milk fat in the water free substance;

(ii) if manufactured from a cream cheese base and without the addition of seasoning, relishes or condiments, not more than fifty-five per centum of water and not less than sixty-five per centum of milk fat in the water free substance;

(iii) if manufactured from a cream cheese base with the addition of seasoning, relishes or condiments, not more than sixty per centum of water and not less than fifty per centum of milk fat in the water free substance;

Dairy Industry Act—*continued*

(*d*) skim-milk cheese shall not contain any preservative other than sodium chloride and, if processed with or without emulsifying agents, shall not contain more than forty-three per centum of water;

(*e*) whey butter shall be butter made from whey cream and shall not contain any milk, cream separated from milk, creamery butter or dairy butter;

(*f*) Ice cream shall not contain

(i) less than thirteen per centum by weight of milk fat, provided that when fruits, nuts, cakes or confections are used, the content of milk fat may be proportionately less than thirteen per centum but in no case shall it be less than eleven per centum by weight,

(ii) less than thirty-six per centum by weight of food solids.

(iii) less than one and nine-tenths pounds of food solids per gallon of which amount not less than sixty-five one-hundredths pounds shall be milk fat, provided that when fruits, nuts, cakes or confections are used, the content of milk fat may be proportionately less, but in no case shall it be less than fifty-five one-hundredths pounds per gallon,

(iv) any fat other than milk fat, or

(v) more than one-half of one per centum by weight of stabilizer;

(*g*) ice cream mix shall not contain

(i) less than thirteen per centum by weight of milk fat,

(ii) less than thirty-six per centum by weight of food solids,

(iii) any fat other than milk fat, or

(iv) more than one-half of one per centum by weight of stabilizer;

(*h*) sherbet shall not contain

(i) more than three-fourths of one per centum by weight of stabilizer,

(ii) more than five per centum by weight of milk solids including milk fat,

(iii) less than thirty-five one-hundredths of one per centum of acid, as determined by titrating with standard alkaline solution and expressed as lactic acid;

(*i*) the ice cream used in ice cream cakes, chocolate coated ice cream bars, ice cream moulded into special shapes or any other ice cream specialty or novelty of which ice cream is a part, shall comply with the requirements of these regulations for ice cream;

(*j*) the sherbet contained in any product shall comply with the requirements of these regulations for sherbet; and

(*k*) a frozen or semi-frozen milk product shall comply with the standards of composition prescribed by these regulations for ice cream or shall contain not more than five per centum by weight of milk solids including milk fat.

Imitation Ice Cream

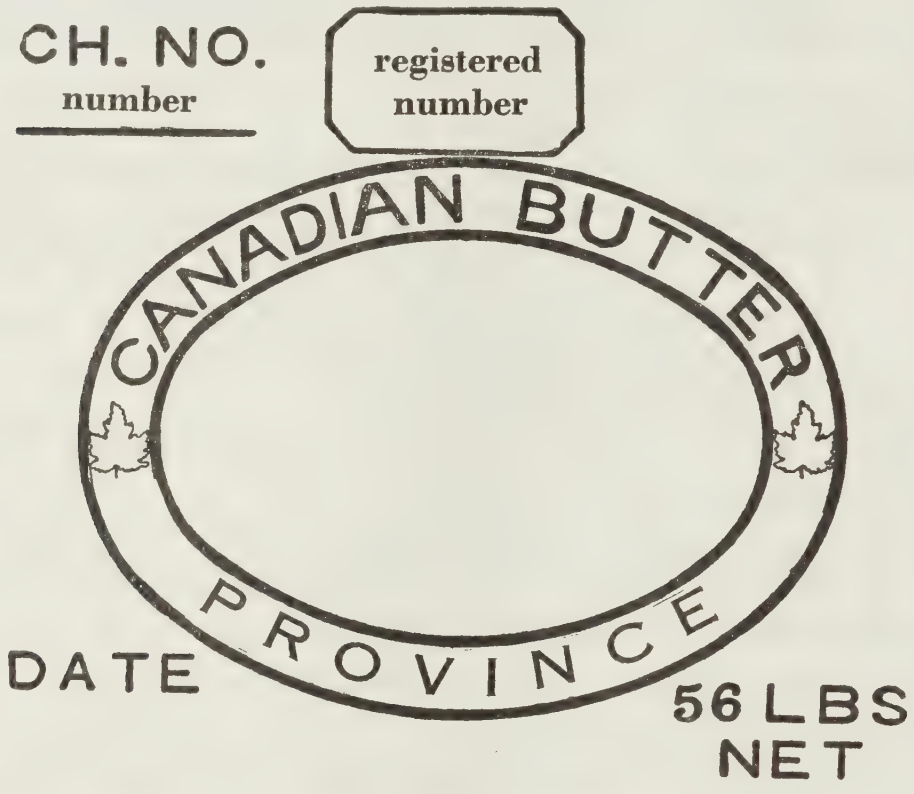
18. No person shall manufacture, import into Canada, sell, offer or have in possession for sale any imitation ice cream.

Dairy Industry Act—*continued*

Export of Butter

19. (1) No package of creamery butter, other than creamery butter cut and packed as described in subsection three of section six of the Act, shall be exported unless the package is branded as required by this section.

(2) One end of the package shall be branded with the following design properly completed by the insertion of the churning number, registered number, date, and name of province as required by these regulations:



(3) The churning number (Ch. No.), the registered number, the date mark, and the words "56 lbs. net" shall be placed exactly as shown in the design set out in subsection two.

(4) Every fifty-six pound box containing butter shall be branded, at the time of packing, with the date of manufacture as required by section five.

(5) The lines forming the ovals of the design shall be one-eighth of an inch wide and seven-eighths of an inch apart, the inside of the outer oval shall measure ten inches horizontally and seven and one-half inches vertically.

(6) The words "Canadian Butter" and the name of the province wherein the butter is manufactured shall be in block letters five-eighths of an inch high and no line in the design shall be less than one-sixteenth of an inch in width.

(7) The design shall be printed on the boxes with black ink only and shall in no case be stencilled or stamped.

(8) The space within the oval may contain any name, trade-mark, design or wording which is not inconsistent with these regulations.

Dairy Industry Act—*continued*

Butter Boxes

20. (1) No creamery butter, other than creamery butter cut and packed as described in subsection three of section six of the Act, shall be exported unless such butter is contained in new boxes of either dove-tail, lock-corner or rabbeted corner double nailed design, and which comply with the following specifications:

(*a*) boxes shall be twelve and one-half inches wide, twelve and one-half inches long and eleven and one-quarter inches high, inside measurement;

(*b*) only well seasoned and sound spruce lumber free from bark, worm holes, knot holes and loose knots shall be used;

(*c*) each cover shall be reinforced by means of two hardwood slip tongues of at least one-eighth of an inch in thickness by one-half of an inch in width, glued and driven into the ends of the covers;

(*d*) not more than two pieces shall be used in ends of boxes, not more than three pieces in sides of boxes, and not more than four pieces in tops and bottoms of boxes; joints of pieces in sides, ends and bottoms shall be tongued and grooved, and glued, joints of ends and sides shall be properly broken not less than one inch apart; and joints of ends of boxes shall be strengthened by two steel corrugated fasteners applied on the inside of the box and driven at least one-sixteenth of an inch under the surface of the lumber; where a Linderman joint is used, the corrugated metal fasteners may be omitted;

(*e*) not less than one nail in each side and six nails in each end shall be used in fastening bottoms containing three pieces of lumber, and not less than one nail in each side and seven nails in each end shall be used in fastening bottoms containing four pieces of lumber; nails to be one and one-quarter inches long, fourteen gauge, and cement coated;

(*f*) covers shall be applied with the grain of the wood in the cover running in the same direction as in the bottom; no hook fasteners shall be used, and covers shall be secured by not less than four nails in each end of covers; only blued box nails one and three-quarter inches long and of fourteen gauge shall be used for the purpose;

(*g*) the inside of the box and of the covers shall be well coated or treated with paraffin or some other preparation approved by the Minister.

(2) In addition to the specifications contained in subsection one, boxes of lock-corner and dove-tail designs shall also comply with the following specifications:

(*a*) boxes shall be lumber surfaced on two sides; the ends shall be not less than one-half of an inch in thickness and the top, sides and bottom not less than three-eighths of an inch in thickness;

(*b*) tenons shall be cut smooth and insides of corners shall be free of slivers, corners shall be glued and well pressed into place;

(*c*) the outer side of corners shall be dressed on a sand wheel and boxes shall be of good workmanship and finish.

Dairy Industry Act—*continued*

(3) In addition to specifications contained in subsection one, boxes of double-nailed rabbeted-corner design shall also comply with the following specifications:

(*a*) boxes shall be of lumber surfaced on two sides and not less than nine-sixteenths of an inch in thickness for the ends, not less than three-eighths of an inch in thickness for the sides, cover and bottom, after surfacing;

(*b*) the ends of the box overlapping the sides shall be not less than three-sixteenths of an inch in thickness;

(*c*) one and three-quarter inches cement coated fourteen gauge nails shall be used with not less than ten nails to each corner, and the nails at the top of the corners shall be placed as close to the top of the wood as is practicable;

(*d*) corners shall be free of slivers and boxes shall be of good workmanship and finish.

(4) All boxes containing creamery butter for export shall be:

(*a*) doubly lined with parchment paper of good quality and not less than forty-nine inches in length and twelve and three-quarters inches in width, and of a minimum weight of forty pounds per ream; or

(*b*) lined with some other material approved by the Minister.

Export of Cheese

21. (1) Every Canadian Cheddar cheese intended for export shall be pressed in hoops not more than fifteen inches in diameter at a height of twelve inches above the bottom of the hoop, inside measurement.

(2) Every Canadian Cheddar cheese of a net weight of sixty pounds or more intended for export shall be branded on the side, upon removal from the press and before being placed on the ripening room shelves, with the registered number, vat number, date of manufacture and the word "Canada", by means of a die, approved by the Minister, in the form specified in Schedule 3.

(3) Every package or container of Canadian Cheddar cheese for export, shall be branded on the left side of the lap of the box with the weight of the cheese in type at least one inch high and one-half of an inch wide and followed by the abbreviations "LBS" in block type one inch high.

Cheese Boxes

22. Cylindrical cheese boxes used as containers of Canadian Cheddar cheese to be exported, shall be made from good sound wood and otherwise comply with the following requirements:

(*a*) tops and bottoms (headings) shall be thoroughly seasoned, not less than five-eighths of an inch in thickness, and consist of not more than three pieces if not tongued and grooved, nor more than four pieces if tongued and grooved;

(*b*) hoops and bands shall be not less than one-fifth of an inch in thickness;

(*c*) hoops shall overlap at joint not less than five inches and be fastened with staples or nails not more than one inch apart and firmly clinched on the inside;

Dairy Industry Act—*continued*

(*d*) bands shall be nailed to the headings (tops and bottoms), as follows: one nail to each side of every joint, with additional nails not more than four inches apart;

(*e*) bottom bands shall be not less than one and one-half inches in width, and top bands not less than three inches in width;

(*f*) nails in the laps of the narrow bands of the covers and bottoms of the boxes shall penetrate the heading at right angles to the grain thereof;

(*g*) covers shall fit closely and be placed on the boxes so that the laps of the bands of the covers shall be even with the laps of the bodies of the boxes.

Reinforcement of Cheese and Butter Boxes

23. (1) Each package of butter or cheese to be exported shall be reinforced by two metal bands, one of which shall be applied around the centre of each box and over the lap of the cover, and the other at right angles thereto; these bands may be of unannealed flat metal strapping or of galvanized open-hearth hard-drawn wire, each band having a minimum tensile strength of three hundred and fifty pounds with an elongation of not more than fifteen per cent, over a ten-inch gauge length.

(2) All reinforcing bands shall be tightly drawn and shall be fastened in such a manner that the joint shall have a breaking strength of not less than seventy-five per cent of the ultimate strength of the band.

Seizure

24. (1) An inspector may

(*a*) seize and confiscate any apparatus or materials used or intended to be used in the manufacture of any butter, cheese, or other dairy product or imitation thereof in contravention of any of the provisions of the Act or of these regulations;

(*b*) seize and confiscate any apparatus used in the treatment of milk, butter, cheese, or other dairy product so as to cause the said milk, butter, cheese, or other dairy product to be an illegal dairy product;

(*c*) seize and confiscate any illegal dairy product.

(2) When any apparatus or materials or illegal dairy product is seized and confiscated under this section, such apparatus or materials or illegal dairy products may be

(*a*) sealed by an inspector and allowed to remain in the building or premises where found;

(*b*) sealed by an inspector and removed to a public warehouse or some other suitable building.

(3) No person except an inspector shall remove any seal from any apparatus, materials, or illegal dairy product that has been seized and sealed under these regulations.

(4) Any apparatus, materials, or illegal dairy product seized and confiscated under these regulations, may be sold or otherwise disposed of as the Minister directs, and any moneys derived therefrom shall be payable to His Majesty.

Penalties

25. Any person who violates any of the provisions of this Part is liable on summary conviction to a fine of not less than ten dollars and not more than fifty dollars, together with costs.

Dairy Industry Act—*continued*

Part II

Grading

Division 1—Cheese and Butter

Time and Place of Grading

26. All Cheddar cheese and creamery butter required to be graded under these regulations shall be graded at such places and times as the Minister may prescribe.

Export

27. No person shall export Cheddar cheese or creamery butter manufactured in Canada unless it has been graded, marked and packed as required by these regulations.

Grade Standards—Cheddar Cheese

28. (1) The grades for Cheddar cheese are First Grade, Second Grade, Third Grade and Below Third Grade.

(2) The scale of points for scoring Cheddar cheese and washed curd Cheddar cheese is as follows:

Flavour	45 points
Texture	25 "
Closeness	15 "
Colour	10 "
Finish	5 "
Total	100 points

(3) First Grade cheese is cheese that has a minimum total score of 92 with a minimum score of 39 for flavour and has the following characteristics:

(*a*) it is clean with no objectionable flavour;
(*b*) the texture may be slightly weak, slightly coarse or slightly stiff;
(*c*) it may be slightly loose or slightly open;
(*d*) it has a uniform colour;
(*e*) it is fairly regular in size, the surfaces are sound and well finished and is of a proper size for boxes;
(*f*) the cheese and boxes are neatly branded, the cheese has scale boards placed, but not pressed, on both ends and the boxes are clean.

(4) Second Grade cheese is cheese that does not qualify for First Grade, has a minimum total score of 87 with a minimum score for flavour of 37 and may have the following characteristics:

(*a*) the flavour is fruity, or not clean, or turnip-like, or is otherwise objectionable;
(*b*) the texture is pasty or too weak, mealy, acidic or too stiff;
(*c*) it is open or loose, or has ragged or flat holes or slight pin holes, or is slightly gassy;
(*d*) the colour is uneven, slightly mottled, or it has a mottled or objectionable shade or slight discoloration foreign to the ordinary colour of Canadian Cheddar cheese;

Dairy Industry Act—*continued*

(*e*) it is irregular in size or not smoothly finished, or the rinds are slightly damaged, by cracking or from other causes, but without conspicuous cracks or decidedly rough appearance.

(5) Third Grade cheese is cheese that is not classed as Below Third Grade, has a minimum total score of less than 87 with a score for flavour of less than 37 and may have the following characteristics:

(*a*) the flavour is rancid or badly "off" or is otherwise inferior to flavour of Second Grade, excluding the flavours characteristic of cheese Below Third Grade;

(*b*) the texture is very weak, very acidic, very soft or very stiff;

(*c*) it is very open, or has gas or swiss holes;

(*d*) the colour is very uneven or very mottled, or it has a very objectionable shade or any discoloration foreign to the ordinary colour of Canadian Cheddar cheese that is too pronounced for Second Grade;

(*e*) it is decidedly rough in appearance, has conspicuous cracks or the rinds are damaged from other causes so as to exclude it from Second Grade but not sufficiently damaged to be classed Below Third Grade.

(6) Cheese is classed Below Third Grade if it has any of the following characteristics:

(*a*) any very objectionable flavour such as very sour, gasoline, kerosene, garlic, French weed or other strong weedy flavours comparable to French weed;

(*b*) the texture is very dry, crumbly, mushy or leaking;

(*c*) it is extremely open or very porous;

(*d*) there are white and coloured curds in the same cheese, or it has any other very objectionable discoloration that is foreign to the ordinary colour of Canadian Cheddar cheese;

(*e*) it is seriously damaged by vermin or otherwise;

(*f*) it is otherwise inferior to Third Grade or foreign matter is found in it by the grader at the time of grading.

Washed Curd Cheddar Cheese

29. (1) The grades for washed curd Cheddar cheese are First Grade, Second Grade, Third Grade and Below Third Grade.

(2) First Grade washed curd Cheddar cheese is cheese that has a minimum total score of 92 with a minimum score of 39 for flavour and has the following characteristics:

(*a*) it is clean with no objectionable flavour;

(*b*) it is smooth and meaty in texture, has a fair to good body, not excessively weak but not firm or stiff;

(*c*) it is not too open and has no bad ragged holes or gas holes;

(*d*) it is of a uniform colour;

(*e*) it is fairly regular in size, the surfaces are sound and well finished and is of a proper size for boxes;

(*f*) the cheese and boxes are neatly branded, the cheese has scale boards placed, but not pressed, on both ends and the boxes are clean.

Dairy Industry Act—*continued*

(3) Second Grade washed curd cheese is cheese that does not qualify for First Grade, has a minimum total score of 87 with a minimum score for flavour of 37 and may have the following characteristics:

(*a*) the flavour is fruity or not clean, or turnip-like, or is otherwise objectionable;

(*b*) the texture is mealy or very weak, very pasty, acidic, or too firm or stiff;

(*c*) it is very open or very loose, or has bad ragged holes or gas holes;

(*d*) it is uneven in colour or slightly mottled, or has a shade otherwise objectionable;

(*e*) it is irregular in size, or not smoothly finished, without conspicuous cracks or decidedly rough appearance.

(4) Third Grade washed curd cheese is cheese that is not classed as Below Third Grade, has a total score of less than 87 with a score for flavour of less than 37 and may have the following characteristics:

(*a*) the flavour is rancid or very objectionable;

(*b*) the texture is very firm, very mushy or very acidic but not leaking;

(*c*) it is porous, or very gassy or very ragged;

(*d*) the colour is very uneven or very mottled;

(*e*) it is decidedly rough in appearance, has a very pronounced growth of mould, has conspicuous cracks or the rinds are damaged from other causes so as to exclude it from Second Grade, but not sufficiently damaged to be classed Below Third Grade;

(*f*) it is otherwise inferior to Second Grade.

(5) Washed curd cheese is Below Third Grade if it has any of the following characteristics:

(*a*) any very objectionable flavour such as very sour, gasoline, kerosene, garlic, or French weed or other strong weedy flavours comparable to French weed;

(*b*) the texture is crumbly or very dry or very acidic or is leaking;

(*c*) it is very porous;

(*d*) there are white and coloured curds in the same cheese, or it has any other very objectionable discoloration that is foreign to the ordinary colour of Canadian Cheddar cheese;

(*e*) it is seriously damaged by vermin or otherwise;

(*f*) it is otherwise inferior to Third Grade or foreign matter is found in it by the grader at the time of grading.

Creamery Butter

30. (1) The grades for creamery butter are First Grade, Second Grade, Third Grade and Below Third Grade.

(2) The scale of points for scoring creamery butter is as follows:

Flavour	45	points
Texture	15	"
Incorporation of Moisture	10	"
Colour	10	"
Salting	10	"
Packing	10	"
Total	100	points

Dairy Industry Act—*continued*

(3) First Grade creamery butter is butter that has a minimum total score of 92 with a minimum score of 39 for flavour and has the following characteristics:

(*a*) it is clean and has only a slight lack of flavour;

(*b*) it may be slightly weak in texture, or slightly open, or slightly sticky, or slightly brittle;

(*c*) it may have some free clear moisture but is not leaky;

(*d*) it is practically true and even in colour and has no objectionable defects;

(*e*) the salt must be all dissolved and there must not be over two per cent salt, unless the butter is destined for a purchaser who requests over two per cent salt;

(*f*) the boxes are neatly branded, the liners are clean, the butter is solidly packed and of full weight and is neatly finished.

(4) First Grade certificates issued for butter containing more than two per cent salt shall bear the following notation: "As the butter for which this certificate is issued contains more than 2 per cent salt and is represented as being for a trade requiring more than 2 per cent salt, a First Grade certificate has been issued. This certificate is not valid for sale of the butter for either export or domestic trade except to a purchaser requesting a salt content of more than 2 per cent".

(5) Second Grade creamery butter is butter that does not qualify for First Grade, has a minimum total score of 87 with a minimum score of 37 for flavour and may have the following characteristics:

(*a*) it is not clean in flavour or is slightly weedy but has no French weed or other pronounced weedy flavours, or is slightly stale, or stale, or sour, or has a pronounced woody or other objectionable flavour on the surface or in the butter;

(*b*) it is weak in texture, or open, greasy, brittle or sticky;

(*c*) it is leaky;

(*d*) it is slightly mottled or mottled in colour, slightly streaky or streaky, or uneven, or has any other objectionable shade;

(*e*) it is pronounced salty or has a bitter taste or has undissolved salt, or has over two per cent salt except in the cases provided for under First Grade.

(6) Third Grade creamery butter is butter that is not classed as Below Third Grade, has a total score of less than 87 with a score for flavour of less than 37 and may have the following characteristics:

(*a*) The flavour is very stale or very sour or fishy or very unclean, very metallic, very yeasty, very musty, very cheesy, or very fruity, or is rancid or pronounced weedy but not French weed or similar types of flavours, or has other objectionable flavours on the surface or in the butter that are too pronounced for Second Grade butter;

(*b*) the texture is very weak, or is otherwise inferior to Second Grade;

(*c*) it has a milky moisture;

(*d*) it is very mottled in colour or very streaky or very uneven;

(*e*) the salting is exceedingly heavy.

(7) Creamery butter is Below Third Grade if it has any of the following characteristics:

Dairy Industry Act—*continued*

(*a*) any very objectionable flavour such as very rancid, garlic, onions, gasoline, kerosene, surface taint, French weed or other strong weedy flavours comparable to French weed;
(*b*) dirt or foreign matter is found in or on the butter by the grader at the time of grading;
(*c*) mould has appeared either on the butter itself or on the package;
(*d*) it is otherwise inferior to Third Grade.

31. Creamery butter graded for domestic purposes only and not for export may qualify for any of the grades established by these regulations for butter notwithstanding that the boxes do not comply with the specifications set out in these regulations, if the boxes comply with the following:

(*a*) they are clean, sound and in good condition, free from any rough, uneven outside surfaces, or any corners and joints that are sprung, opened or weakened in any way, or any sides, ends, bottoms or tops that are split, cracked or broken, or any inside coating of paraffin or other approved preparation that is chipped, peeled, or otherwise damaged so as not to cover completely and adequately the inside surface of the box;
(*b*) they comply with all specifications for new boxes to be used in packing butter intended for export except that the thickness of material, exclusive of the hardwood slip tongues of the cover, may be reduced by sanding, scraping or other methods of reconditioning by not more than one-sixteenth of an inch, the nails used for fastening covers may be plain (not blued) and the brands required to be applied thereto may be stamped or stencilled on the end of the box.

Grading

32. (1) Any person submitting cheese or butter for grading under these regulations shall arrange the cheese or butter in a suitable place and open all boxes or packages for inspection.

(2) Where a lot of cheese or butter that is submitted for grading under these regulations does not bear the vat numbers or churning numbers as required by these regulations or where there is any irregularity in the marking of the vat numbers or churning numbers on the packages containing any cheese or butter submitted for grading, the grader may examine each package in the shipment separately and impose a fee of twenty-five cents for each box of cheese or each box of butter in the shipment, and the grading certificate shall not be issued nor shall the cheese or butter be exported until the fees are paid.

(3) No grader shall grade any cheese or butter unless the packages containing the cheese or butter bear the registered number of the factory of origin, and he may refuse to grade any cheese or butter that is not marked in other respects as required by these regulations or butter packed in boxes that do not comply with the specifications laid down in these regulations.

(4) No person shall place in boxes within eight days from the date of manufacture, any cheese destined for export to the United Kingdom, Northern Ireland or Europe.

(5) No grader shall grade any cheese until in his judgment it is sufficiently mature to permit of the quality being properly determined.

(6) No grader shall grade butter that is too fresh from the churn to permit the proper determination of the quality.

Dairy Industry Act—*continued*

(7) A grader may refuse to grade any cheese or butter that in his judgment is of either too high or too low a temperature to permit of proper examination, until the temperature of the cheese or butter is brought within a satisfactory range.

(8) The grader shall select one cheese from each vat, or one package of butter from each churning, in every shipment, and grade the selections as one lot, and where the shipment differs widely in quality as between different vats or churnings, the shipment may be divided into lots of different grades.

Grading Certificates

33. (1) The grader shall issue a certificate for each lot of cheese or butter that has been graded, in one of the forms set out in Schedule 4.

(2) The grader shall enter the vat numbers in the case of cheese and the churning numbers in the case of butter, of any lot of cheese or butter that has been graded, on the grader's certificate covering that particular lot of cheese or butter.

(3) In issuing the certificates covering pasteurized butter, the grader shall stamp the word "Pasteurized" across the face of all certificates with respect to butter that shows no reaction to the Storch test, and butter that reacts to the Storch test shall not be recognized by the grader as pasteurized.

(4) No person not being a grader or authorized by a grader shall issue or cause to be issued any grader's certificate or copy thereof.

Prohibitions

34. No person shall, without the knowledge and consent of a grader, change the package on any cheese or butter after it has been graded.

35. After any cheese or butter has been graded, no person shall mark or brand the packages in any manner that is inconsistent with the grade of the cheese or butter.

36. No person shall, without the permission of a grader, remove from any package containing cheese or butter, after it has been graded, any registered number, or other number or mark required by these regulations to be placed thereon.

37. No person shall obstruct or prevent in any way any grader from carrying out his duties in the grading of cheese or butter at any place during reasonable business hours.

Seizure

38. An inspector or grader may seize and confiscate any dairy product in respect of which any provision of Part II of the Act or regulations made thereunder has been contravened.

Duration of Certificates

39. Graders shall stamp across the face of certificates for butter made from pasteurized cream the words: "This certificate is not good after six weeks from date of issue," and across the face of certificates for unpasteurized butter the words: "This certificate is not good after three weeks from date of issue," and for regraded butter, the words: "This certificate is not good after four weeks from date of issue."

Dairy Industry Act—*continued*

40. Any lot of butter, the certificate for which has expired, shall be deemed to be not graded and shall be regraded before being exported, and if the grade of any lot of butter is changed on regrading, the grader shall cancel the original grade mark by placing over it a cross.

41. The original grade certificate or certificates issued on any lot of butter shall be surrendered to the grader before a new certificate or certificates is issued after regrading.

Branding

42. Any grader may brand or stamp, or cause to be branded or stamped, the grade on any package containing cheese or butter at any time or place after the cheese or butter has been graded, and he shall use for the purpose one of the following grade marks:



























43. (1) No person not being a grader or authorized by a grader shall use or place on packages containing cheese or butter any marks or brands of a design that resemble the grade marks authorized by these regulations.

(2) No person shall export any factory Cheddar cheese or creamery butter unless such cheese or butter has been graded and the packages containing the same have been stamped to indicate the grade of the contents in accordance with these regulations.

Dairy Industry Act—*continued*

44. Any person marking any package containing butter so as to describe the grade or quality of butter shall use one of the following terms: "First Grade", "Second Grade", "Third Grade" or "Below Third Grade", and the grade marking shall be such as will give a true and accurate description of the quality of butter contained in the package in accordance with the standards of grades set forth in these regulations; such marking shall be legible and indelible and consist of letters of size as prescribed in section seven of these regulations and in the case of prints or pats shall be placed on the main panel of the wrapper and carton and no other terms descriptive of quality shall be used.

45. Any package containing creamery butter sold, offered, exposed or had in possession for sale to consumers or to any person representing a consumer, shall be marked so as to give a true and accurate description of the quality of the butter in accordance with section forty-four.

46. No person shall pack butter in a package that bears any of the grade marks prescribed in section forty-two.

47. A grader may cause to be changed any incorrect grade mark appearing on any package containing cheese or butter.

Advertising

48. (1) No person shall make any false, misleading or exaggerated claim in any advertisement of any dairy product, or upon the package containing a dairy product, nor shall any word or term be used as a brand name or otherwise descriptive of the quality of a dairy product, unless such word or term is a grade name prescribed by these regulations.

(2) Every person who advertises creamery butter for sale or who for sale places a placard upon creamery butter, in a province where the grading of creamery butter for domestic consumption is compulsory, shall include in each advertisement or placard a statement of the grade of such butter as established by these regulations and in the type or letters prescribed by these regulations.

(3) Every person who advertises for sale any dairy butter, whey butter or skim-milk cheese or who for sale places a placard upon dairy butter, whey butter or skim-milk cheese, shall use the words "Dairy Butter", "Whey Butter" or "Skim-milk Cheese", as the case may be, to describe the product.

Division 2—Dry Skimmed Milk

Definitions

49. In this Division

(*a*) "dry skimmed milk" means the product resulting from the removal of the greater part of the fat and water from milk and containing the lactose, milk proteins and milk minerals in the same relative proportion as in the fresh milk from which made;

(*b*) "export" means to send out of Canada or out of any province.

Export

50. (1) This Division applies to dry skimmed milk intended for export and for human consumption and contained in packages of twenty-five pounds or more.

Dairy Industry Act—*continued*

(2) No person shall export dry skimmed milk in packages containing twenty-five pounds or more unless the dry skimmed milk was graded, packed and marked under and in accordance with these regulations or unless it is marked on the package, in letters of not less than one inch in height, "For Animal Food".

(3) All dry skimmed milk and dry buttermilk and dry whey exported out of Canada for animal food or poultry food purposes shall be packed in quantities of fifty pounds or multiples of fifty pounds in new containers, either wood, paper, cotton or jute, and if cotton or jute are used, suitable paper liners shall be used; all such packages shall be branded with the name of the product, the net weight, the name and address of the manufacturer or seller, and the phrase "PRODUCT OF CANADA", and, if the product is dry skimmed milk, shall be branded as required by subsection two.

Grade Standards

51. (1) The grades for dry skimmed milk are First Grade and Second Grade.

(2) Dry skimmed milk of each grade shall comply with the following standards:

(*a*) it shall be reasonably uniform in composition; the colour shall be white or light cream and substantially free from brown specks;

(*b*) its flavour and odour, either in dry form or on reconstitution, shall be sweet and clean and free from any objectionable flavour or odour;

(*c*) it shall not have an acidity on reconstitution of less than eleven-hundredths of one per centum (expressed as lactic acid).

(3) In addition to all other requirements under this Division, dry skimmed milk shall conform to the following standards of composition in accordance with methods of analysis prescribed by the Minister:

(*a*) First Grade—Dry Skimmed Milk

	Spray Process not to exceed	*Roller Process not to exceed*
Fat	1·5 %	1·5 %
Moisture	4·0 %	4·0 %
Acidity (Reconstituted Basis)	·17%	·17%
Solubility Index	1·5 ml.	———
Bacteria (Reconstituted Basis)	25,000 per ml.	25,000 per ml.
Sediment	Disc. No. 3	Disc. No. 3

The product shall be entirely free from hard lumps, and the dry or reconstituted sample shall be entirely free from any storage or scorched flavour or odour.

(*b*) Second Grade—Dry Skimmed Milk

	Spray Process not to exceed	*Roller Process not to exceed*
Fat	2·0 %	2·0 %
Moisture	5·0 %	5·0 %
Acidity (Reconstituted Basis)	·19%	·19%
Solubility Index	2·0 ml.	———
Bacteria (Reconstituted Basis)	50,000 per ml.	50,000 per ml.
Sediment	Disc. No. 4	Disc. No. 4

Dairy Industry Act—*continued*

The product shall be reasonably free from hard lumps and may have a slight storage or scorched flavour or odour before or after reconstitution.

Packing

52. (1) All dry skimmed milk shall be packed as prescribed by this Division before it is graded.

(2) All dry skimmed milk shall be packed in new sanitary wooden barrels, metal drums, or such other packages as may be approved by the Minister, which provide adequate protection against undue absorption of moisture and foreign matter; all barrels shall be properly headed; all drums shall have a tight-fitting cover.

(3) All packages of dry skimmed milk shall be lined with:

(*a*) double liners with or without taped seams, the outer of ninety pound crinkled duplex paper made of two sheets of thirty pound kraft paper laminated together with an even layer of asphaltum equal to thirty pound basis and the inner not less than twenty-five pound basis and fifty per centum regular paraffin, both liners to have thirty-three and one-third per cent stretch and tied tightly, or

(*b*) double liners with or without taped seams, the outer liner of fifty pound kraft and the inner not less than twenty-five pound basis, each liner fifty per centum regular paraffin and containing thirty-three and one-third per centum stretch and tied tightly, or

(*c*) any other material that has been approved by the Minister.

Marking

53. (1) All dry skimmed milk shall, before it is graded, be marked as follows:

(*a*) the name and address of the manufacturer or the person for whom the dry skimmed milk was manufactured and a true and correct description of the contents of the package and the quantity or weight thereof; these particulars shall be marked on the package by means of a trade label or stencilled or lithographed design, which shall be of a size reasonably proportionate to the size of the package;

(*b*) each package containing dry skimmed milk shall indicate, on the label or stencilled or lithographed design, the process of manufacture—such as "Spray", "Roller" or "Vacuum Drum";

(*c*) each package shall show the date of manufacture by means of numerical dating: for example, April 8, 1946, shall be shown as 8-4-46; the numbers shall be not less than one-half of an inch in height, and shall be placed on the side of the package; if barrels are used the numbers shall be placed between the two upper hoops;

(*d*) the date shall be placed on the package at the time of packaging.

(2) Every manufacturer of dry skimmed milk shall keep an accurate record of the number of packages of dry skimmed milk manufactured daily by him.

Grading

54. (1) Any person submitting dry skimmed milk for grading shall arrange the same in a suitable place and open all boxes, barrels or other packages for inspection and sampling when so required by an inspector or grader.

Dairy Industry Act—*continued*

(2) No dry skimmed milk shall be sampled for grading unless the packages containing the same bear the permit or establishment number of the factory in which it was manufactured as assigned to it under the Meat and Canned Foods Act.

(3) The production of one day shall be considered as one lot and the grader or inspector shall select at least one sample in a lot; if there are more than twenty packages in a lot, samples from at least two different packages in the lot shall be taken.

55. The Minister, or any person authorized by him, may issue a certificate in the form prescribed by the Minister, with respect to each shipment or lot of dry skimmed milk graded under this Division.

56. (1) The grade of the products shall be marked on the side of all packages in letters of not less than one inch in height; if barrels are used the grade markings shall be placed between the two upper hoops.

(2) The grade, date and permit or establishment number, shall be placed neatly on the package one below the other in the order named, and as shown hereunder:

First Grade
8——4——46
Est. 000

Prohibitions

57. No person shall mark any package of dry skimmed milk with a grade established by this Division or any mark likely to be mistaken for such grade unless the milk was graded in accordance with this Division and a grading certificate, authorizing that grade was issued under this Division.

58. No person shall without the approval of the Minister or a grader or inspector change the grade on any package of dry skimmed milk after it has been graded.

59. No person shall without the approval of the Minister or a grader or inspector remove from any package containing dry skimmed milk after it has been graded, any permit or establishment number, or date or lot marks.

60. An inspector may seize and confiscate any dry skimmed milk in respect of which any provision of this Division or Part II of the Act has been contravened.

Part III

Testing of Glassware

61. The verification of glassware pursuant to Part III or the Act shall be undertaken by the Standards Division, Department of Trade and Commerce.

62. All test bottles and pipettes used in connection with the testing of milk or cream, except skim-milk bottles shall be forwarded, charges prepaid, to the Standards Laboratory, Department of Trade and Commerce, Ottawa, Canada, for the purpose of verification.

Dairy Industry Act—*continued*

63. All glassware sent for verification shall be received and returned at the owner's risk.

64. All glassware sent for verification must be perfectly clean on both the inside and outside surfaces.

65. (1) The Director of Standards shall cause each bottle, pipette, or measuring glass as provided by Part III of the Dairy Industry Act, to be verified, and shall mark the same when found correct according to an appropriate specification promulgated under the provisions of the Dominion Trade and Industry Commission Act.

(2) The mark shall be permanently applied on each article and any such glassware not found correct according to such specification he shall cause to be exported to the original manufacturer or destroyed without compensation to the owners thereof, as circumstances may justify and permit.

66. The fee for the verification of milk test glassware shall be five cents for each test bottle, pipette or measuring glass, which amount shall be forwarded to the Director of Standards, Department of Trade and Commerce, Ottawa, Canada, with each consignment of glassware to be verified.

67. Packages containing glassware for verification shall be plainly addressed to the Standards Laboratory, Department of Trade and Commerce, Ottawa, Canada, and shall bear the sender's name and post office address.

68. Any person who violates any of the provisions of Part III of the Act or this Part is liable on summary conviction thereof to a fine not exceeding fifty dollars for each offence.

Schedule No. 1

APPLICATION FOR REGISTRATION OF A CHEESE FACTORY, A CREAMERY, A COMBINED FACTORY OR A FACTORY WHERE CHEESE IS PROCESSED OR BUTTER IS REWORKED

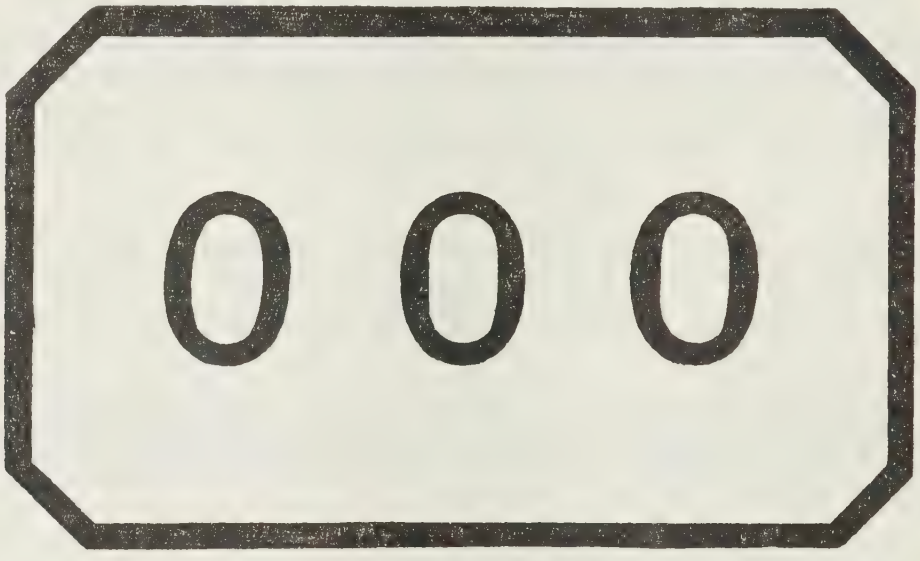
1. (*a*) Name of factory.....
   (*b*) State whether cheese factory, creamery, combined cheese factory and creamery or factory where cheese is processed or butter is reworked .....
2. Where situated:—
   (*a*) Province .....
   (*b*) County .....
   (*c*) Township or parish.....
   (*d*) Post Office.....
   (*e*) Telegraph or telephone office.....
   (*f*) Railway station or shipping port.....
3. Name of owner.....
   Post Office Address.....
   If a co-operative dairy association or joint stock company:—
   Name of Secretary .....
   Post Office Address.....
4. Registered or copyrighted brand, number, or trade mark in use, if any .....

Dairy Industry Act—*continued*

5. Registered number allotted.....
The above is certified correct.
.....Owner
.....Post Office Address.
.....Secretary.
Witness.....
.....Post Office Address.
Witness.....
.....Post Office Address.

Schedule No. 2

Form and size of type (60 point face extended capitals—Gothic), of stencil or stamp to be used in applying the registered number on a cheese, and on packages containing cheese or butter of a net weight of more than twenty-five pounds.



Schedule No. 3

Form of required brands which by means of a die are to be placed on cheese for export:



(1) All figures in the die showing the date of manufacture, the registered number and the vat number shall be placed as shown immediately above and shall be of a size of not less than 60 point face extended capitals, bold face (preferably Gothic).

(2) All letters in the word "Canada" shall be of a size of 36 point face extended capitals, bold face—Gothic. The over-all length of the word "Canada" shall be two and three-quarter inches.

(3) The word "Canada" shall appear fifty-eight times in two rows, each of which shall contain the word "Canada" twenty-nine times spaced equidistant in a length of forty-two inches, the distance between the two rows to be two and five-eighths inches.

Schedule No. 4

FORM No. 1

DEPARTMENT OF AGRICULTURE
MINISTÈRE DE L'AGRICULTURE
OTTAWA, ONT.

ANNEXE N° 4
FORMULE N° 1

MARKETING SERVICE
SERVICE DES MARCHÉS

DAIRY PRODUCTS DIVISION
DIVISION DES PRODUITS LAITIERS

CERTIFICATE FOR ..... GRADE CHEESE
CERTIFICAT DE FROMAGE DE ..... QUALITÉ

NO. OF BOXES NOMBRE DE BOÎTES	COLOUR CO ULEUR	REGISTERED NO. N° D'ENREGISTREMENT	LOT NO. LOT N°	SCORE FOR FLAVOUR POINTAGE POUR LE GOÛT	TOTAL SCORE POINTAGE TOTAL

VAT NUMBERS NUMÉROS DE BASSIN	DATE MANUFACTURED DATE DE LA FABRICATION	SHADE NUANCE	STORED AT ENTREPOSÉ À

GRADED AT
CLASSÉ À

DATE
DATE

BY
PAR

DAIRY PRODUCE GRADER — CLASSIFICATEUR DE PRODUITS LAITIERS

DEFECTS IN CHEESE
DÉFAUTS DU FROMAGE

FLAVOUR
GOÛT (SAVEUR)

TEXTURE
TEXTURE

CLOSENESS
COMPACITÉ

COLOUR
COULEUR

FINISH
FINI

BOXES & BOXING
BOÎTES ET EMBALLAGE

FORM No. 2

DEPARTMENT OF AGRICULTURE
MINISTÈRE DE L'AGRICULTURE
OTTAWA, ONT.

FORMULE N° 2

MARKETING SERVICE
SERVICE DES MARCHÉS

DAIRY PRODUCTS DIVISION
DIVISION DES PRODUITS LAITIERS

CERTIFICATE FOR ..... GRADE BUTTER
CERTIFICAT DE BEURRE DE ..... QUALITÉ

NO. OF BOXES
NOMBRE DE BOÎTES

REGISTERED NO.
N° D'ENREGISTREMENT

LOT NO.
LOT N°

CHURNING NUMBERS
NUMÉROS DE BARRATAGE

SCORE FOR FLAVOUR
POINTAGE POUR LE GOÛT

TOTAL SCORE
POINTAGE TOTAL

COLOUR
COULEUR

PER CENT SALT
POURCENTAGE DE SEL

STORED AT
ENTREPOSÉ À

GRADED AT
CLASSÉ À

DATE
DATE

BY
PAR

DAIRY PRODUCE GRADER — CLASSIFICATEUR DE PRODUITS LAITIERS

DEFECTS IN BUTTER
DÉFAUTS DU BEURRE

FLAVOUR
GOÛT (SAVEUR)

TEXTURE
TEXTURE

INC. OF MOISTURE
INC. D'EAU

COLOUR
COULEUR

SALT
SALAGE

PACKING
EMBALLAGE

FORM No. 3

DEPARTMENT OF AGRICULTURE
MINISTÈRE DE L'AGRICULTURE
OTTAWA, ONT.

FORMULE N° 3

MARKETING SERVICE
SERVICE DES MARCHÉS

DAIRY PRODUCTS DIVISION
DIVISION DES PRODUITS LAITIERS

CERTIFICATE FOR FIRST GRADE CREAMERY BUTTER

PACKED IN BOXES WHICH HAVE BEEN PREVIOUSLY USED

CERTIFICAT POUR BEURRE DE BEURRERIE DE PREMIÈRE QUALITÉ

EMBALLÉ DANS DES BOÎTES QUI ONT DÉJÀ SERVI

THIS CERTIFICATE IS VALID FOR SALES ON THE DOMESTIC MARKET OF CANADA ONLY.

CE CERTIFICAT N'EST VALABLE QUE POUR LA VENTE DU BEURRE SUR LES MARCHÉS INTÉRIEURS DU CANADA.

NO. OF BOXES NOMBRE DE BOÎTES	REGISTERED NO. N° D'ENREGISTREMENT	LOT NO. LOT N°	CHURNING NUMBERS NUMÉROS DE BARRATAGE

SCORE FOR FLAVOUR POINTAGE POUR LE GOÛT	TOTAL SCORE POINTAGE TOTAL	COLOUR COULEUR	PER CENT SALT POURCENTAGE DE SEL	STORED AT ENTREPOSÉ À

GRADED AT / CLASSÉ À

DATE / DATE

BY / PAR

DAIRY PRODUCE GRADER — CLASSIFICATEUR DE PRODUITS LAITIERS

THIS CERTIFICATE IS NOT VALID for butter intended for export from Canada and any butter represented by this certificate which is to be exported must first be regraded and placed in a grade lower than First Grade in accordance with the standards for grading creamery butter as set forth in section 30 of the regulations under the Dairy Industry Act.

CE CERTIFICAT N'EST PAS VALABLE pour le beurre destiné à l'exportation en dehors du Canada, et tout beurre représenté par ce certificat qui est destiné à l'exportation, doit d'abord être classé à nouveau et mis dans une catégorie inférieure à la Première qualité, conformément aux types modèles établis pour le classement du beurre de beurrerie, prescrits à l'article 15 des règlements établis en application de la Loi de l'industrie laitière.

DEFECTS IN BUTTER
DÉFAUTS DU BEURRE

FLAVOUR
GOÛT (SAVEUR)

TEXTURE
TEXTURE

INC. OF MOISTURE
INC. D'EAU

COLOUR
COULEUR

SALT
SALAGE

PACKING
EMBALLAGE

DEBTS DUE THE CROWN ACT. (1926-27, c. 51).

Regulations for the Apportionment and Adjustment of Seed Grain, Fodder and other Relief Indebtedness to His Majesty

P. C. 5367

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of chapter 51 of the Statutes of Canada, 1926-27,—An Act respecting certain debts due the Crown—is pleased to order as follows:

1. The Seed Grain Regulations established by Order in Council P.C. 896 of 2nd March 1948, as amended, are hereby revoked; and

2. The following "Regulations for the Apportionment and Adjustment of Seed Grain, Fodder and Other Relief Indebtedness to His Majesty" are hereby made and established in substitution for the Regulations hereby revoked:

Regulations for the Apportionment and Adjustment of Seed Grain, Fodder and Other Relief Indebtedness to His Majesty

1. These Regulations may be cited as "The Seed Grain Regulations."

2. In these Regulations, "Minister" means the "Minister of Mines and Resources."

3. There shall be a Seed Grain Advisory Board for each of the Provinces of Manitoba, Saskatchewan and Alberta.

4. Each Board shall consist of two members, one member representing Canada, and the other representing the province concerned.

5. Each Board is authorized,

(*a*) to investigate the value of the land or lands held in a province as security for the repayment of advances for seed grain, fodder and other relief by His Majesty in that province;

(*b*) to investigate the interests of any other person which may be affected by the registration of any lien or bond, held as security by His Majesty;

(*c*) to prepare reports for the Minister in each individual case setting forth the full facts of the situation; and

(*d*) to make a recommendation to the Minister for the apportionment and adjustment of the indebtedness.

Debts Due The Crown Act—*concluded*

6. In cases where the province has no interest in the indebtedness secured by any lien or otherwise, the member representing Canada or any person authorized to act in the place and stead of that member may make the recommendation to the Minister.

7. The Minister upon receipt of a report and recommendation may make such report and recommendation for the apportionment and adjustment of the indebtedness incurred for seed grain, fodder and other relief as to him may seem proper in the circumstances.

N. A. ROBERTSON,
Clerk of the Privy Council.

DEEP SEA FISHERIES ACT. (R.S.C., 1927, c. 74).

1. *Fishing bounty regulations.*
2. *Distribution of bounty,* 1948-49.

1.—Fishing Bounty Regulations

P. C. 5366

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 31st day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Fisheries and under the authority of Section 7 of the Deep Sea Fisheries Act, Chapter 74, Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Fishing Bounty Regulations made by Order in Council P. C. 2298 of September 30, 1915, as amended, are hereby revoked; and

2. The "Fishing Bounty Regulations", hereto attached, are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

FISHING BOUNTY REGULATIONS

1. British subjects who have been engaged in deep-sea fishing in Canadian vessels or boats for at least three months, and have caught not less than two thousand five hundred pounds of sea fish, shall be entitled to a bounty, provided that no bounty shall be paid on shell-fish, salmon, shad or fish taken in rivers or mouths of rivers, except that fishermen engaging in the lobster fishery, who, during such fishery, catch herring or deep-sea fish other than salmon or shad, may count the time spent in such combined fishing and the deep-sea fish, other than salmon or shad caught by them; provided further that no bounty shall be paid to men fishing in boats measuring less than twelve feet along the keel, and not more than three men (the owner included) will be allowed as claimants in boats under twenty feet.

Deep Sea Fisheries Act—*continued*

2. No bounty shall be paid upon fish caught in trap-nets, pound-nets and weirs, nor upon the fish caught in gill-nets fished by persons who are pursuing other occupations than fishing, and who devote merely an hour or two daily to fishing these nets, but are not, as fishermen, steadily engaged in fishing.

3. Only one claim will be allowed in each season, even though the claimant may have fished in two vessels, or in a vessel and a boat or in two boats.

4. The owners of boats measuring not less than twelve feet along the keel, whether propelled by oars, sails, or other motive power, which have been engaged during a period of not less than three months in deep-sea fishing for fish other than shell-fish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty on each such boat.

5. Canadian registered vessels, owned and fitted out in Canada, of ten tons and upwards (up to eighty tons) by whatever means propelled contained within themselves, which have been exclusively engaged during a period of not less than three months in the catch of sea fish, other than shell-fish, salmon or shad, or fish taken in rivers or mouths of rivers, shall be entitled to a bounty to be calculated on the registered tonnage, which shall be paid to the owner or owners; provided that whether the ownership of such vessel be changed or not during the fishing season, said bounty shall be paid once only during each season, and under a claim for the first three months fishing only; moreover, if such vessel be under charter, the charterer shall, unless otherwise determined by the charter party or other written contract made between the owner and charterers, be deemed to be the owner for the purposes of this and the succeeding paragraph of these regulations, and entitled to be paid the said bounty; provided further that vessels known as "steam trawlers" operating "beam", "otter" or other such trawls, shall not be eligible for any such bounty.

6. Owners or masters of vessels intending to fish and claim bounty on their vessels must, before proceeding on fishing voyage, procure a licence from the nearest Collector of Customs or Fishery Officer, said licence to be attached to the claim when sent in for payment.

7. The date when a vessel's fishing operations shall be considered as having begun shall be the day upon which she sails from port on her fishing voyage, after the licence has been procured, and the date upon which her fishing season shall end shall be the day upon which she arrives in port from her last fishing voyage prior to the end of December. The three months during which a vessel must have been engaged in fishing, to be entitled to the bounty, shall not include such periods as she may have been lying in port, provided that not more than three days may be permitted for the sale, transfer or discharge of her cargo of fish and refitting.

8. Dates and localities of fishing must be stated in the claim as well as the quantity and kinds of sea fish caught.

9. Ages of men must be given. Boys under 14 years of age are not eligible as claimants.

Deep Sea Fisheries Act—*concluded*

10. Claims must be sworn to as true and correct in all their particulars.

11. Claims must be filed on or before the 31st day of December in each year.

12. Officers authorized to receive claims will supply the requisite blanks free of charge, and after certifying the same will transmit them to the Department of Fisheries.

13. Any person or persons detected making returns that are false or fraudulent in any particular may be debarred from any further participation in the bounty, and be liable to be prosecuted according to the utmost rigour of the law.

14. The amount of the bounty to be paid to fishermen and owners of boats and vessels will be fixed from time to time by the Governor in Council.

2.—Distribution of bounty for year 1948-49

P. C. 1163

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15th of March, 1949

The Committee of the Privy Council, on the recommendation of the Minister of Fisheries, advise that the sum of $160,000.00, payable under the provisions of Chapter 74 of the Revised Statutes of 1927, entitled "An Act to Encourage the Development of the Sea Fisheries and the Building of Fishing Vessels", be distributed for the year 1948-49, upon the following basis:

VESSELS: The owners of the vessels entitled to receive bounty shall be paid $1.00 per registered ton provided, however, that the payment to the owner of any one vessel shall not exceed the sum of $80.00, and all vessel fishermen entitled to receive bounty shall be paid the sum of $8.30 each.

BOATS: Fishermen engaged in fishing boats, who shall also have complied with the regulations entitling them to receive bounty, shall be paid the sum of $8.30 each, and the owners of fishing boats shall be paid the sum of $1.00 per boat.

N. A. ROBERTSON,
Clerk of the Privy Council.

DEFENCE RESEARCH BOARD EMPLOYEES

See AERONAUTICS ACT; DEPARTMENT OF NATIONAL DEFENCE ACT.

DEFENCE SERVICE VOTING REGULATIONS

See DOMINION ELECTIONS ACT, 1938.

DEPARTMENT OF EXTERNAL AFFAIRS ACT. (R.S.C., 1927, c. 65)

Tariff of Canadian Consular Fees

P.C. 5315

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 25th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Secretary of State for External Affairs and pursuant to section five of the Department of External Affairs Act, Revised Statutes of Canada, 1927, chapter 65, is pleased, hereby to revoke Order in Council P.C. 5310 of 30th December 1947, as amended, and to make the following Order in substitution therefor:

1. Canadian consular officers and officers performing consular functions shall charge the fees set forth in Schedule A hereto.

2. The officer rendering the service may waive the fees, where he considers such waiver to be in order on the grounds of

(*a*) destitution of a person to whom the service is rendered, or

(*b*) international courtesy,

and on such other grounds as may be specified by the Secretary of State for External Affairs.

3. All fees collected shall be the property of His Majesty the King in right of Canada.

4. The Secretary of State for External Affairs is authorized to institute a system of consular fee stamps for the purpose of collecting the fees authorized herein.

N. A. ROBERTSON,
Clerk of the Privy Council.

Schedule A

TARIFF OF CANADIAN CONSULAR FEES

PASSPORT AND VISA SERVICES

1. Issue of a passport	$ 5.00
Exceptions	
(*a*) Diplomatic and Official Passports	No fee
(*b*) Passports issued to Canadian citizens to replace British subject type Canadian passports issued prior to January 1, 1947. Validity not to exceed that for which replaced passport was capable of being renewed	2.00

Department of External Affairs Act—*continued*

	$
(*c*) Passports issued to Canadian citizens to replace Newfoundland passports. Validity not to exceed that of passports being replaced	No fee
(*d*) Passports issued to Canadian citizens to replace expired Newfoundland passports. Validity not to exceed that for which passport being replaced could have been renewed	2.00
2. Amendment or endorsement of a Canadian Passport	.50
Exception	
Diplomatic and Official passports	No fee
3. Renewal of Passport	2.00
Exceptions	
(*a*) Diplomatic and Official Passports	No fee
(*b*) Renewal of British Subject Passports under circumstances of urgency to enable the holder to complete an immediate journey	No fee
4. Issue of Certificate of Identity	5.00
5. Renewal of Certificate of Identity	2.00
6. Issue of Emergency Certificate	2.00
7. Visa of a passport or other document (other than a transit visa) valid for one year or any lesser period	2.00
8. Visa of a passport or other document for transit only	No fee
9. Visa of a passport or other document for immigration purposes only	No fee
10. Preparation and completion of affidavit in lieu of a travel document	5.00
11. Visa granted to any British subject who is not required by the law of Canada to obtain a visa	No fee
12.-20. Spares	
Notarial Services	
21. For administering an oath or receiving a declaration or affirmation with or without attestation of signature (except oaths taken under Canadian Citizenship Act)	1.00
22. For each consular signature attached to an exhibit referred to in an affidavit declaration or affirmation	1.00
23. For each alteration or interlineation initialled by a consular officer in any document not prepared by him	.25
24. For each execution of a Power of Attorney attested by a consular officer	2.50
25. Ditto, when two or more persons execute a Power of Attorney at the same time	5.00
26. For each execution of a deed, bond, or conveyance, under seal, attested by a consular officer where the value of the property in question does not exceed $50.00	.75

Department of External Affairs Act—*continued*

	$
27. Ditto, exceeding $50.00	1.50
28. Ditto, when two or more persons execute an instrument at the same time, the fee shall not exceed: Value $50.00 or less	1.50
29. Ditto, value over $50.00	3.00
30. For attaching consular signature and seal, if required, to declarations for purposes of Canadian Government pay, half-pay, pension or allowance	Nil
31. For attaching consular signature to any declaration of existence in cases not covered by item 26	.50
32. Ditto, if drawn up by a consular officer	1.50
33. For attesting the signature and/or seal of a foreign authority	2.50
34. For attesting such signature to a document not otherwise provided for	1.00
35.-50. Spares	
Miscellaneous Services	
51. For registration of a birth	No fee
52. Spare	
53. Spare	
54. For each search in the Register Book of Births of the Consulate	.50
55. For furnishing a certified copy of an entry in the Register Book of Births	1.00
56. Spare	
57. For certifying to a copy of any document or part of a document if not exceeding 100 words	1.75
58. If exceeding 100 words, for every additional 100 words or fraction thereof	.75
59. Issue or attestation of certificate of origin or other document in support of consignment of goods; irrespective of number of copies and for filing copy	No fee
60. For issue of in transit certificate	1.00
61.-70. Spares	
71. For granting any certificate not otherwise provided for, if not exceeding 100 words	3.00
72. If exceeding 100 words, for every additional 100 words or fraction thereof	1.50
73. For making or verifying a translation of a document if under 100 words	1.00
74. Ditto, if over 100 words for each 100 words or fraction thereof.	1.00
75. For letter to foreign authorities requesting assistance in obtaining a visa, exit permit, or similar document or service	.50

Department of External Affairs Act—*concluded*

	$
76. For affixing the consular seal where no other fee in authorized..	1.00
77. Spares	
78. Spares	
79. Additional fee for all services rendered elsewhere than at the consular office at the request of the interested parties, for each hour or fraction thereof.....	1.00
80. For recording unofficial documents in consulates upon request, for every 100 words or fraction thereof.....	.50
With maximum for any one document.....	2.50
81. For the administration and distribution, or for either administration or distribution, of the property situate in the country of consular officer's residence, of a Canadian citizen not being a seaman, dying intestate, or if not intestate, when undertaken in the absence of legally competent representatives of the deceased	$2\frac{1}{2}\%$ on gross value

DEPARTMENT OF FINANCE AND TREASURY BOARD ACT (R.S.C., 1927, c. 71)

See also CURRENCY ACT.

Regulations for the receipt of gold bullion at the Royal Canadian Mint refinery

P.C. 461

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 7th day of March, 1934.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Finance, and under the provisions of An Act respecting the establishment of the Royal Canadian Mint, being chapter 48 of the Statutes of 1931, is pleased to order as follows:

The Regulations for the receipt of Gold Bullion at the Royal Canadian Mint Refinery, prescribed by Order in Council dated 30th November, 1931 —P.C. 7/2978—are hereby rescinded as from the 19th day of March, 1934, and the Regulations in the form annexed hereto shall be in force and effect on and after the said 19th day of March, 1934.

N. A. ROBERTSON,
Clerk of the Privy Council.

Department of Finance and Treasury Board Act—*continued*

Regulations for the Receipt of Gold Bullion at the Royal Canadian Mint, Ottawa

1. Deposits of newly-mined Canadian gold and of such other gold as the Minister of Finance may approve, containing not less than one ounce troy of fine gold, may be brought to the Royal Canadian Mint between the hours of 10 a.m. and 3.30 p.m. Mondays to Fridays, and between 10 a.m. and noon on Saturdays. The Mint will be closed on statutory holidays, and on such other days as may by Order in Council be observed as such.

2. Each parcel of bullion for which a separate assay is required shall be regarded as a separate deposit, and no ingot exceeding 1,500 ounces troy, gross weight, will be accepted. All deposits shall be dealt with in the order in which they are received. Deposits containing by assay less than 200 parts of gold in 1,000, or appearing, either before or after melting and assaying, to be unsuitable for treatment by the refining process in use, may be rejected. A deposit so rejected shall be returned to the depositor on payment by him of any costs incurred for melting and assaying.

3. The contents of each deposit shall be determined on the report of the Assay Department of the Mint, gold being reported to the one four-thousandth part (one-quarter millieme) and silver to the one-thousandth part (one millieme), except that, when the millesimal fineness of the bullion exceeds 990, then the gold shall be reported to the one-ten-thousandth part (one-tenth millieme). The silver content of a deposit when below ten parts in one thousand shall not be reported.

4. The gross value of a deposit shall be calculated at the rate of one dollar for each 23·22 grains fine gold contained therein (equivalent to $20·6718† the ounce fine) and at a rate for all silver in excess of one per centum of the weight of the deposit after melting to be determined by the Minister of Finance.

5. The Mint charges, to be calculated on the gross weight of the deposit after melting, shall be as follows:—

(*a*) For Melting and Assaying,—One Dollar for the first four hundred ounces or part thereof and twenty-five cents for each additional one hundred ounces or part thereof.

(*b*) For refining,—When the deposit contains not more than 5 per cent base metal, 3 cents the ounce.

Over 5 per cent but not over 10 per cent base metal, $3\frac{1}{2}$ cents the ounce.

Over 10 per cent but not over 15 per cent base metal, $4\frac{1}{4}$ cents the ounce.

Over 15 per cent but not over 20 per cent base metal, 5 cents the ounce.

Department of Finance and Treasury Board Act—*concluded*

On deposits which contain over 20 per cent base metal, or which require toughening or other special treatment in order to obtain concordant assays, a charge, not exceeding 10 cents the ounce, to be determined by the cost of treatment.

The minimum charge for refining shall be two dollars for each deposit, and the charge for refining shall apply to all deposits containing by assay less than 995 parts fine gold in 1,000.

6. Payment of the net value of deposits together with any additional payment which may be authorized shall be made to the depositor or his duly authorized agent in such manner and within such time as may be prescribed by the Minister of Finance. The Mint shall not be responsible for any delay beyond the prescribed time of payment when that delay is due to causes beyond its control, including pressure of work and difficulties arising from the composition of the bullion.

7. On the completion of the valuation of a deposit, the depositor shall be furnished with a memorandum of the outturn of his deposit in which shall be shown the weights before and after melting, assay report, fine gold and fine silver contents, the gross value, Mint charges and net value as determined under these regulations.

8. The preceding seven clauses shall apply to deposits at the Dominion of Canada Assay Office, Vancouver, but the Master of the Royal Canadian Mint may transfer to the Mint at Ottawa, for melting and assaying, any deposits made in that Office when he considers that course in the public interest, and the actual cost of transfer shall be borne by the depositors.

9. Delivery of deposits shall be accepted at the Mint counter only, free of all charges, and when bullion is forwarded by mail or express the original packages will not ordinarily be opened until an invoice of the description and weight of their several contents has been received. When there is a serious discrepancy between the actual and invoice weights of any deposit, further action in regard to it will be deferred pending communication with the depositor.

10. The Minister of Finance may from time to time prescribe the conditions under which gold bullion may be issued to the public either in exchange for cash or in part payment of the net value of deposits, and the charges for the preparation of the bullion. Delivery of gold bullion will be made at the Mint counter only either to the purchaser or to an express company or other firm or person as his authorized agent.

DEPARTMENT OF NATIONAL DEFENCE ACT.
(R.S.C., 1927, c. 136)

See also DOMINION ELECTION ACT, 1938, MILITIA ACT; MILITIA PENSION ACT; NAVAL SERVICE ACT; ROYAL CANADIAN AIR FORCE ACT; ROYAL MILITARY COLLEGE ACT.

1. *The Veterans Estates Regulations.*
2. *Estates Regulations 1947.*
3. *Compensation for injury, etc., Defence Research Board employees.*
4. *Charges for Department of National Defence aerodrome facilities.*

1. The Veterans Estates Regulations

P.C. 2279

AT THE GOVERNMENT HOUSE AT OTTAWA

FRIDAY, the 13th day of June, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 1822 of the 13th May, 1947, transferred the duty, power, control and supervision of collecting, administering, and distributing the service estates of former members of the naval, military, or air forces of Canada who die or have died, otherwise than during their service as members of such forces, while receiving hospital treatment or institutional care under the control or direction of the Department of Veterans Affairs on account of any disability suffered or incurred during their service as such members from the Minister of National Defence to the Minister of Veterans Affairs;

AND WHEREAS the Department of National Defence has administered and is continuing to administer the service estates of personnel who died on active service while serving in the forces of Canada during World War I, commencing in August 1914 and in World War II commencing in September 1939;

AND WHEREAS Order in Council P.C. 2324 dated the 21st November, 1919, authorized the administration of the service estates of personnel who served in such forces during World War I and who had been discharged therefrom and later died while in receipt of emoluments from the Department of Soldiers' Civil Re-Establishment in the same manner as if such personnel had never been discharged from such forces and at the request and on behalf of such Department, and subsequently at the request and on behalf of the Department of Pensions and National Health and the Department of Veterans Affairs, the Department of National Defence has administered such estates as well as the service estates of former members of such forces in World War II who have died while receiving hospital treatment or institutional care under the control or direction of the Department of Pensions and National Health and subsequently the Department of Veterans Affairs;

AND WHEREAS the Department of National Defence in administering the service estates of all such personnel found it expedient at the numerous requests and in the interest of persons legally entitled to such estates to amend the regulations governing such estates to provide for the collection

Department of National Defence Act—*continued*

and distribution with the service estates of small sums arising mostly out of the service pay and allowances and represented by one or more of such assets as amounts on deposit in bank or post office savings accounts or otherwise owed to or held in trust for them, Victory Loan Bonds, War Savings Certificates, Dominion Government Annuity Contracts and proceeds payable under life insurance policies to the estates of such deceased personnel, the value whereof was frequently insufficient to justify the cost of obtaining Probate of a Will or if no Will, of administration of an estate, as evidenced by the fact that in the distribution by that Department of approximately 43,000 estates arising out of World War II the average value thereof was only $411.00;

And Whereas it is advisable and expedient that such small assets continue to be administered in like manner;

And Whereas the Department of National Defence Act, as amended by Chapter 5 of the Statutes of 1947, empowers the Governor in Council to make regulations respecting the collecting, administering, and distributing of service estates of such deceased former members;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of Veterans Affairs, is pleased to make the following Regulations for the Administration and Distribution of Service Estates of Veterans of the Naval, Military and Air Forces of Canada, and they are hereby made and established accordingly;

1. These Regulations may be cited as the "Veterans Estates Regulations".

2. In these Regulations, unless the context otherwise requires,

(*a*) "Minister" means the Minister of Veterans Affairs;

(*b*) "Department" means the Department of Veterans Affairs;

(*c*) "Estates Officer" means the officer of the Department of Veterans Affairs appointed to administer the service estates of veterans of the forces of Canada hereinafter defined;

(*d*) "veteran" means any former member of the naval, military, or air forces of Canada who dies or has died, otherwise than during his service as a member of such forces, while receiving hospital treatment or institutional care under the control or direction of the Department of Veterans Affairs on account of any disability suffered or incurred during his service as a member of such forces;

(*e*) "service estate" in respect to a veteran means that part of his personal estate which consists of service pay and allowances and other emoluments emanating from the Crown which at date of death are held to his account by the Department or are due or otherwise payable by the Government of Canada, and effects issued by the Crown which under service regulations he is entitled to retain, and all personal belongings in the care or custody of the Department, including cash on hand.

3. The Estates Officer and such clerks and employees as are necessary for the administration of the service estates of veterans shall be appointed in the manner authorized by law.

Department of National Defence Act—*continued*

4. On the death of a veteran, the District Administrator, of the District in which death occurs, shall promptly forward notice thereof to the Estates Officer giving particulars thereof and of next of kin, together with the deceased's original Will if same is in departmental custody, and, if not, information as to where same may be located, if known. An inventory of the personal effects including cash on hand and a statement of the District Treasury Officer of the District with itemized particulars of the total amount held in trust for the deceased's account and of any known debts of the deceased will be attached to such notice. The District will retain such assets pending receipt of directions of the Estates Officer.

5. Preferential charges on the service estate of a veteran are service debts, and a first charge or lien against such estate. They are payable by the Estates Officer in preference to all other debts and liabilities, in the following order:—

(*a*) Service Quarters.

(*b*) Mess, canteen, band and other service accounts.

(*c*) Service clothing, appointments and equipment, purchased by a veteran, not exceeding a sum equal to six months' service pay of the deceased, and having become due within eighteen months before his death.

In case a doubt or difference arises in relation to any preferential charge, or the payment or disposition of same, the decision of the Minister shall be final and binding on all persons for all purposes.

6. The Estates Officer shall administer the service estates of veterans, and

(*a*) Where, in a Will of a veteran, an executor has been named and such nominee has been appointed executor by a Court of competent jurisdiction, or where an administrator or an administrator with Will annexed has been appointed by a Court of competent jurisdiction, or where the executor named in an unprobated Will has proved to the satisfaction of the Estates Officer that such Will is the last Will of the deceased and that he has become an executor *de son tort* or is willing to accept the executorship of such will, the Estates Officer may cause to be delivered over to such executor or administrator for distribution, the net assets of the said service estate in his possession.

(*b*) Where, in a Will of a veteran, an executor has been named and such nominee has not been appointed executor by a Court of competent jurisdiction, or where no administrator has been appointed by a Court of competent jurisdiction, the Estates Officer may cause to be distributed the net assets of the said estate in accordance with the law applicable in each case to the distribution of personal estates.

(*c*) Where, under subparagraph (*b*) hereof, no distribution, or only a partial distribution, of any service estate can be made in accordance with such laws, the Estates Officer shall convert the net assets, or such balance thereof, into cash and pay the same to the Receiver General of Canada, to be by him deposited in a special Trust Account or Accounts as designated by the Comptroller of the Treasury pending final distribution to the person or persons entitled thereto.

Department of National Defence Act—*continued*

7. (1) Where, prior to the death of a veteran,

(*a*) he had money on deposit in a bank, post office or other financial institution,

(*b*) a person was indebted to the veteran or held money in trust for him,

(*c*) a person had in his custody or control moneys of the veteran, or

(*d*) the veteran was entitled to an undistributed interest in an estate;

the Estates Officer may direct that the amount to which the veteran was so entitled be paid to the Receiver General of Canada for credit to the deceased's account.

(2) Where the veteran was entitled to an amount jointly with another person or persons, sub-paragraph one of this paragraph is applicable thereto if the other person or persons make a request in writing that the Estates Officer distribute that amount with the service estate of the veteran.

(3) Where a bank, financial institution or any person has in its or his custody or control a Victory Loan Bond or War Savings Certificate belonging to a veteran, the Estates Officer may receive the bond or certificate and either sell or present it for redemption, and cause the proceeds to be paid to the Receiver General of Canada for credit to the deceased's account or, upon the written request of the person legally entitled upon distribution of the estate, cause the bond or certificate to be registered in such person's name or be transferred into bearer form and be delivered to him.

(4) Where a bank, financial institution or any person has in its or his custody or control a Victory Loan Bond or War Savings Certificate that belonged to a veteran and some other person or persons jointly or in which a veteran has a limited or partial interest only, the Estates Officer may, if the other persons interested therein request the Estates Officer in writing to distribute the bond or certificate with the service estate of the veteran, receive the bond or certificate and either sell or present it for redemption or, at the request in writing of the person legally entitled upon distribution of the estate, cause the bond or certificate to be registered in such person's name or be transferred into bearer form and be delivered to him.

(5) Where an amount not exceeding fifteen hundred dollars is payable under a life insurance policy to the estate of a veteran, the Estates Officer may direct that the amount payable under the policy be paid to the Receiver General of Canada for credit to the deceased's account.

(6) Where an amount is payable to the legal representatives of a veteran under the provisions of a Dominion Government Annuity Contract, the amount so payable may, on the direction of the Estates Officer, be transferred to the credit of the deceased's service account.

(7) This regulation is not applicable in respect of the estate of a veteran where,

(*a*) the aggregate of the amounts that would otherwise be payable under this regulation in Canada and the value of the bonds or certificates situate in Canada exceeds two thousand dollars; or

Department of National Defence Act—*continued*

(*b*) the aggregate of the amounts that would otherwise be payable under this regulation outside of Canada and the value of the bonds or certificates situate outside of Canada exceeds three thousand dollars.

(8) All amounts paid to the Receiver General of Canada under this regulation shall be distributed with the service estate of the veteran.

(9) Where an amount is paid or a bond or certificate is delivered pursuant to this regulation, a receipt therefor and an acquittance in respect of the obligation may be given by the Estates Officer or by any person thereunto authorized by him and a receipt or acquittance given under this regulation shall be deemed to have the same effect as though given by the duly authorized legal representatives of the veteran.

(10) The Estates Officer may, on behalf of His Majesty, agree to indemnify any bank, financial institution or any person who makes a payment or delivers a bond or certificate under this regulation against any liability to make the payment or any part thereof to any other person or to deliver the bond or certificate to any other person or against liability to pay succession duty in respect of the amount so paid or the bond or certificate.

8. (1) Where an infant, being a person under the age of twenty-one years, is entitled to all or part of the estate of a veteran being administered under these Regulations, the Estates Officer may pay out of the money payable to the infant not more than three hundred dollars in any year for the maintenance, welfare or education of the infant to a responsible adult or child welfare or protection society recognized by or under the laws of a province.

(2) Where an infant, being a person under the age of twenty-one years, is entitled to all or part of the estate of a veteran being administered under these Regulations, there may, on distribution thereof, be paid thereon, out of departmental appropriations, when some person is authorized to receive payment, interest at the rate of three per centum per annum in respect of the time it remains in the Consolidated Revenue Fund after the end of the first year after the death.

9. The provisions of Regulation 5 in respect of preferential charges shall apply to the service estate of a former member who has not died but is receiving hospital treatment or institutional care as a mental case under the control or direction of the Department.

10. Compliance with these Regulations with respect to the administration of a service estate shall discharge the Minister, the Estates Officer or other person complying therewith, from all liability by reason of any of the aforementioned assets in his hands having been paid, transmitted, remitted or otherwise dealt with in accordance therewith.

N. A. ROBERTSON,
Clerk of the Privy Council.

Department of National Defence Act—*continued*

2. The Estates Regulations 1947

P.C. 5156

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence, and pursuant to the authority conferred by Section 7 of the Department of National Defence Act, is pleased to make the annexed regulations for the administration and distribution of Naval, Military and Air Force estates, and they are hereby made and established, to come into force and effect as of and from the 15th day of December, 1947.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Administration and Distribution of Naval, Military and Air Force Estates

1. These Regulations may be cited as "Estates Regulations 1947".

2. In these Regulations, unless the context otherwise requires:—

(*a*) "Minister" means the Minister of National Defence.

(*b*) "Director of Estates" means the person appointed by the Minister of National Defence under these Regulations, to administer the service estates of members of the Naval, Military or Air Forces of Canada, who die during their service as such members.

(*c*) "member" means any person serving in the Naval, Military or Air Forces of Canada.

(*d*) "service estate" means that part of the personal estate of a deceased member of the Naval, Military or Air Forces of Canada, which consists of balance of pay and allowances and all other emoluments emanating from the Crown which at the date of death are due or otherwise payable, and effects issued by the Crown which, under the regulations applicable to a member of any of the said Forces, he is permitted to retain, and all personal belongings found on the deceased and in camp, quarters or otherwise in the care or custody of the Nava, Military or Air Force authorities concerned, including cash on hand and personal articles and effects.

(*e*) "deceased member" includes any member who has been officially reported as dead or presumed dead in accordance with the appropriate service regulations from time to time in force.

3. These Regulations shall apply in respect of a member notwithstanding anything to the contrary in the provisions of any Regulation or Order relating to the Force in which such member was serving at the date of his death.

Department of National Defence Act—*continued*

4. The Minister shall appoint a Director of Estates who shall be a barrister of at least ten years standing and who shall be directly responsible to the Deputy Minister of National Defence. Such officers, clerks and employees as are necessary for the administration of the service estates of the deceased members may be appointed in the manner authorized by law.

5. The service estate of a deceased member shall be subject to service debts which are a first charge or lien against the said estate and shall be payable by the Director of Estates as preferential charges to the exclusion of all other debts and liabilities, in the following order:—

(*a*) quarters:

(*b*) mess, canteen, band and other service accounts:

(*c*) service clothing, appointments and equipment purchased by the deceased member not exceeding a sum equal to six months pay of the deceased and having become due within eighteen months before his death.

6. The decision of the Minister shall be final and binding in all cases where a question arises in relation to the payment or disposition of any preferential charge.

7. The Director of Estates may administer the service estates of deceased members, and

(*a*) where an executor or an administrator has been appointed by a court of competent jurisdiction, the Director of Estates may cause to be delivered over to such executor or administrator for distribution, the net assets of the said service estate in his possession.

(*b*) where no executor or administrator has been named by a court of competent jurisdiction, the Director of Estates may cause to be distributed the net assets of the said estate in accordance with the law applicable in each case to the distribution of personal estates.

(*c*) where, under sub-paragraph (*b*) hereof, no distribution or only a partial distribution of any service estate can be made in accordance with such laws, the Director of Estates shall convert the net assets, or such balance thereof, into cash and pay the same to the Receiver General of Canada, to be deposited by him in a special Trust Account or Accounts as designated by the Comptroller of the Treasury pending final distribution to the person or persons entitled thereto.

8. No person shall have, as a matter of right, any claim against the service estate of a deceased member.

9. The Director of Estates shall, in the exercise of his powers, duties and functions under these Regulations, to the exclusion of all other authorities and persons whomsoever have the same rights and powers in respect of the service estate of a deceased member as if he had been appointed an executor or administrator of said estate by a court of competent jurisdiction.

Department of National Defence Act—*continued*

10. Compliance with these Regulations with respect to the administration of a service estate shall discharge the Minister, the Director of Estates or any other person complying therewith from all liability by reason of any assets in his hands having been paid, transmitted or remitted or otherwise dealt with in accordance herewith.

11. The Minister shall prescribe the procedure to be adopted and issue such directions as may be necessary for the due administration of service estates, to give effect to these Regulations and to carry out the spirit and intent thereof.

3. Regulation relating to compensation for injuries and death to Defence Research Board employees

P.C. 3887

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 31st day of August, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence and pursuant to the provisions of Section 8 of the Department of National Defence Act, Chapter 136 of the Revised Statutes of Canada, 1927, as amended, is pleased to make the following regulation, and it is hereby made and established accordingly:

Regulation

1. Any person employed in the work of the Defence Research Board who is assigned to duties designated by the Treasury Board on the recommendation of the Chairman of the Defence Research Board as duties involving risks which by their nature or the circumstances in which they are performed are not insurable as such and who dies, is injured, or suffers illness or disability or aggravation thereof as a direct result of such duties, may be paid compensation in the same manner and to the same extent as provided for in the Pension Act, Chapter 157 of the Revised Statutes of Canada 1927, as amended, in accordance with the rates set forth in Schedules "A" and "B" of that Act, according to the salary ranges set opposite the military ranks shown hereunder; provided, however, that such compensation shall not be paid for any death or injury in respect of which provision for payment of compensation, or a gratuity or pension is made by any other Act or Regulation, unless the claimant elects to accept the compensation provided by this Regulation instead of the compensation, gratuity or pension under any such other Act or Regulation, and provided further that where any insurance monies are payable to such person in respect of such death or injury, the amount of compensation otherwise payable under this Regulation shall be reduced in the proportion of the present value of such insurance monies to the present value of the compensation which would otherwise be payable:

Department of National Defence Act—*continued*

Salary Range	Military Rank
$3750 or less	Captain
$3751 to $5000	Major
$5000 to $6500	Lt-Colonel
$6501 to $8000	Colonel
$8001 or over	Brigadier

2. All claims for pensions, allowances and compensation under this Regulation shall be dealt with and adjudicated upon in a like manner as claims under the Pension Act and all the provisions of the Pension Act not inconsistent with this Regulation shall, with such modifications as circumstances may require, apply to this Regulation.

3. The Defence Research Board may provide for and pay the cost of examination, treatment and hospitalization of any such person in respect of such injury, illness or disability, and may, if such person is not in receipt of salary, pay allowances during hospital or out-patient treatment in an amount which when added to the pension award in force plus any insurance monies payable, if any, will equal pension payable for 100 per cent disability, less while an in-patient, the sum of $15.00 a month.

N. A. ROBERTSON,
Clerk of the Privy Council.

4. Charges for use of facilities and accommodations at Department of National Defence Aerodromes

P.C. 44/3888

Certified to be a true copy of a Minute of a Meeting of the Treasury Board, approved by His Excellency the Governor General in Council, on the 4th August, 1949.

The Board recommend that authority be granted to levy charges at the discretion of the Minister of National Defence for the use of facilities and accommodation at all aerodromes operated by the Department of National Defence, at the rates and under the terms and conditions set forth in Appendix "A" attached hereto in lieu of those set forth in Appendix "A" to Order in Council of April 6, 1946, P.C. 92/1326.

N. A. ROBERTSON,
Clerk of the Privy Council.

Appendix "A"

Charges and Conditions for use of Department of National Defence Aerodrome Facilities by Civil Aircraft

1. All aircraft landing at Department of National Defence aerodromes, securing to moorings or beach facilities, or utilizing accommodation or services at DND establishments are to be charged at the rates and under the terms and conditions set out below, unless especially exempted by the Minister of National Defence or exempted in accordance with paragraph 2.

Department of National Defence Act—*continued*

2. The following exceptions are made to the levying of charges under this regulation:

(*a*) landing, accommodation or storage charges shall be waived for aircraft operated by the Government of Canada;

(*b*) landing and accommodation charges shall be waived in the case of visits of less than 48 hours by:

(i) state aircraft, including aircraft or provincial air services and aircraft operated in the service of any other country;

(ii) aircraft owned and operated by approved flying clubs (i.e. clubs which are members of the Royal Canadian Flying Clubs Association);

(iii) aircraft owned by serving members of the Defence Forces of Canada;

(iv) aircraft visiting Department of National Defence establishments as a matter of courtesy or on departmental business.

LANDING FEES

3. Landing fee is a charge levied on an aircraft each and every time it alights at the airport.

4. The landing fees are to be computed according to the table given below, the rates being applied to the whole of the licensed gross take-off weight, as given in the certificate of airworthiness or application therefor. The fee shall be computed to the nearest 5 cents with a minimum charge of $1.00.

	Licensed gross
Up to but not over 15,000 lbs.	take-off weight 10 c per 1,000 lbs.
over 15,000 lbs. and not over 30,000 lbs.	take-off weight 12½c per 1,000 lbs.
over 30,000 lbs. and not over 45,000 lbs.	take-off weight 15 c per 1,000 lbs.
over 45,000 lbs. and not over 75,000 lbs.	take-off weight 20 c per 1,000 lbs.
over 75,000 lbs.	take-off weight 25 c per 1,000 lbs.

Example

Licensed gross take-off weight 32,315 lbs.
Appropriate rate—15 cents per 1,000 lbs.
Fee: $\frac{32{,}315 \times 15 \text{ cents}}{1{,}000} = \$4.85$

5. *Special Rates for Approved Flying Clubs*

For aircraft owned and operated by approved flying clubs based at the aerodrome, the rate shall be $15 per month per aircraft or such other rate as the Minister of National Defence may direct in an amount not less then $15 per month per aircraft.

ACCOMMODATION

6. *Hangar Storage Rates*

(*a*) Unheated—Exclusive of landing fees.

Wing Span	Daily	Weekly	Monthly
30′ and less	0.85	5.00	16.75
30′ 1″—32′ 6″	1.05	6.20	20.75
32′ 7″—35′	1.25	7.45	24.80
35′ 1″—37′ 6″	1.45	8.65	28.80
37′ 7″—40′	1.65	9.85	32.85
40′ 1″—42′ 6″	1.90	11.45	38.20
42′ 7″—45′	2.20	13.05	43.55
45′ 1″—47′ 6″	2.45	14.65	48.90
47′ 7″—50′	2.70	16.25	54.25

Department of National Defence Act—*continued*

Wing Span	Daily	Weekly	Monthly
50′ 1″—52′ 6″	3.05	18.30	60.95
52′ 7″—55′	3.40	20.30	67.65
55′ 1″—57′ 6″	3.70	22.30	74.35
57′ 7″—60′	4.05	24.30	81.05
60′ 1″—65′	4.85	29.15	97.15
65′ 1″—70′	5.65	33.95	113.25
70′ 1″—75′	6.60	39.60	132.00
75′ 1″—80′	7.35	45.20	150.75
80′ 1″—85′	8.60	51.65	172.20
85′ 1″—90′	9.70	58.10	193.65
90′ 1″–100′	12.10	72.55	241.85
100′ 1″–110′	14.75	88.65	295.45
110′ 1″–120′	17.70	106.35	354.45
120′ 1″–130′	20.95	125.60	418.75

(*b*) Heating Charge per day.

Wing Span	
30′ and less	.35
30′ 1″—32′ 6″	.40
32′ 7″—35′	.45
35′ 1″—37′ 6″	.50
37′ 7″—40′	.60
40′ 1″—42′ 6″	.70
42′ 7″—45′	.80
45′ 1″—47′ 6″	.90
47′ 7″—50′	1.00
50′ 1″—52′ 6″	1.10
52′ 7″—55′	1.25
55′ 1″—57′ 6″	1.40
57′ 7″—60′	1.55
60′ 1″—65′	1.75
65′ 1″—70′	2.00
70′ 1″—75′	2.30
75′ 1″—80′	2.65
80′ 1″—85′	3.05
85′ 1″—90′	3.50
90′ 1″–100′	4.05
100′ 1″–110′	4.90
110′ 1″–120′	5.90
120′ 1″–130′	7.00

To be levied every day that heat is turned on in the aircraft storage section of a hangar, provided aircraft is stored for more than six hours.

7. *Outside Accommodation*

(*a*) Ground Space, Wharfage or Beach Space Rates

Wing Span		Daily	Weekly	Monthly
30′ and less		0.25	1.50	5.00
30′ 1″	40′	0.55	3.30	11.00
40′ 1″	50′	0.90	5.40	18.00
50′ 1″	60′	1.30	7.80	26.00
60′ 1″	70′	1.85	11.10	37.00
70′ 1″	80′	2.45	14.70	49.00
80′ 1″	90′	3.15	18.90	63.00
90′ 1″	100′	3.95	23.70	79.00
100′ 1″	110′	4.80	28.80	96.00
110′ 1″	120′	5.75	34.50	115.00
120′ 1″	130′	6.80	40.80	136.00

(*b*) Mooring Rate

Wing Span		Daily	Weekly	Monthly
30′ and less		.50	3.00	10.00
30′ 1″	40′	1.05	6.30	21.00
40′ 1″	50′	1.65	9.90	33.00
50′ 1″	60′	2.30	13.80	46.00
60′ 1″	70′	3.10	18.60	62.00
70′ 1″	80′	3.45	20.70	69.00
80′ 1″	90′	4.15	24.90	83.00
90′ 1″	100′	4.95	29.70	99.00
100′ 1″	110′	5.80	34.80	116.00
110′ 1″	120′	6.75	40.50	135.00
120′ 1″	130′	7.80	46.80	156.00

Department of National Defence Act—*continued*

8. *Application of Rates*

Daily Rate—for periods up to and including 6 days
Weekly Rate—for periods up to and including 20 days
Monthly Rate—for periods over 20 days.

(Aircraft accommodated for periods of less than 24 hours shall be charged hangar rates for one day).

9. *Locker Rental Fee*

If available, lockers may be rented at the rate of 25c per month or part thereof.

10. *Dead Storage Rates*

A reduction of 25 per cent will be allowed for aircraft placed in dead storage for two months or more.

A reduction of 40 per cent will be allowed for aircraft stored, with wings folded or knocked down, for a period of 2 months or more (advance notice of intention required).

SERVICES

11. Landing and accommodation fees specified above include the supply of all available information as to routes and weather conditions and the services of Service personnel if available to assist in securing the aircraft and refuelling. Reasonable boat transportation between aircraft at moorings and shore is allowed without additional charge.

12. *Aerodrome Lighting Charge*

Unless the Minister of National Defence otherwise directs, a charge of not less than $2.00 per hour or fraction thereof is to be made for the use of field lights for night landings, departures or tests.

13. *Hauling out or Launching Fees*

(*a*) Supplementary to the charges quoted above, fees for hauling out or launching of seaplanes are to be charged at the following rates:

Wing Span	Fee
30′ or less	.75
30′ 1″ to 45′	1.00
45′ 1″ to 60′	1.50
60′ 1″ or more	2.00

(*b*) Amphibian aircraft may be permitted to taxi out under their own power at the discretion of the C.O. In that case the above fees are subject to a discount of 50 per cent.

14. *Rates for Use of MT (including Services of a Driver)*

Type	Rate Per Mile	Rate Per hour
Light passenger car	$ .25	$5.00
Light Truck, 1 ton	.35	6.00
Heavy Truck up to 3 tons	.50	8.00
Tractor—40 H.P.	..	6.00
Tractor—30 H.P.	..	5.00
Tractor—20 H.P.	..	4.00

Department of National Defence Act—*continued*

15. *Rates for Use of Motor Boats (including crew services)*

Type	Rate per ½ Hour or Part Thereof	Rate per Hour
Boat fitted with Outboard Motor	$1.00	$1.75
Boat with engine up to 25 H.P.	1.50	2.75
Boat with engine 25 to 50 H.P.	2.50	4.50
Boat with engine 50 to 100 H.P.	4.50	8.50

NOTE.—The rates set out in paras 14 and 15 above apply only to the use of such equipment in connection with the use of aerodrome facilities by civil aircraft. Conditions and rates governing use or rental of MT and marine craft on all other occasions are contained in CAP 16, Vol. 1.

16. *Rates for the Services of Mechanics*

Rank	Rate per Hour
Warrant Officer Class 1	$1.50
Warrant Officer Class 2	"
Flight Sergeant	"
Sergeant	"
Corporal	$1.00
Aircraftman	"

CHARGES FOR ACCOMMODATION AND SERVICES UNDER CONTINUING AGREEMENTS

17. Where space is provided to civil air carriers or other civil interests under a continuing agreement, the rental rates shall be as follows:

Hangar Accommodation

(*a*) In Newfoundland, Labrador, N.W.S.R. (excluding Edmonton) and Seven Islands, P.Q.—$1.00 per annum per square foot of area occupied.

(*b*) In all other places in Canada—50c. per annum per square foot of area occupied.

These rates include the use of all normal services provided in the hangar such as light, heat, water, etc.

All Other Accommodation

$1.00 per annum per square foot of area occupied.

Where such services are readily available, this rate includes (*a*) normal reasonable use of electrical services for light and small electrical appliances such as fans (not electric heaters or other such special appliances) (*b*) heat (*c*) water (*d*) sewerage (*e*) fire protection (*f*) use of roads, (Subject to para 23).

18. At sites where power is generated by a Department of National Defence plant, and where power is required in excess of normal reasonable use of the electrical facilities in rented accommodation, or what electrical service only is required in buildings constructed by a civil air carrier or other civilian interest, such power shall be charged for at the rate of $10.00 per month per K.W. of connected load.

19. At sites where commercial power is available, the cost of power as in para 18 above shall be in accordance with the rates charged by the power utility company for the main service to the site.

20. Where local landline service is provided by the use of Department of National Defence facilities, civil air carriers or other civilian interests are to be assessed the purchase price of the telephone instrument as well as any installation cost involved. No charge is to be made for the service

Department of National Defence Act—*continued*

but it is understood that such service is being provided as a privilege only and may be withdrawn at any time without prior notification, in which event, the price of the instrument only is to be refunded.

21. Where civil air carriers or other civilian interests are permitted to construct their own accommodation on Department of National Defence premises, and are supplied with services by the Department of National Defence, the rates for the facilities mentioned in para. 17 shall be 60% of the rates provided in para 17. The rates, where applicable, shall be the total costs to the civil air carrier or other civilian interest. Provided that where any services are not supplied, appropriate reductions shall be made as follows, but in no case shall the rates thus reduced be less than 50% of the rates outlined above in this paragraph, i.e., not less than 15c. or 30c. per square foot per annum respectively:

	30c. rate	60c. rate
Heating	12½c.	25c.
Electrical	5	10
Roads	5	10
Water	3½	7
Sewer	2½	5
Fire Protection	1½	3
Total	30 c.	60c.

22. Where civil air carriers or other civilian interests are permitted to construct their own accommodation on Department of National Defence premises and are not supplied with any services by the Department of National Defence, rent for the land involved is to be charged at such rates as may be determined by the Minister of National Defence.

23. The cost of extending all services where necessary and where approved shall be borne by the civil air carrier or other civilian interest concerned.

24. Wiring in buildings shall be in accordance with the Canadian Electrical Code and subject to the approval of the Crown.

25. Services shall be subject to termination or interruption at any time, and the Crown shall not be responsible in any way for any damage thereby caused to or in the premises of the civil air carriers or other civilian interests.

26. Civil air carriers or other civilian interests are to advise the Crown immediately of any proposed increase in use of any service, and such increase shall not be put into effect unless and until approved by the Crown.

27. The Crown shall be permitted to check the use of services as often as deemed necessary. When an increase is found, charges for the increased load may be made retroactive to the time of the last inspection, or as deemed equitable.

28. Any alterations to leased accommodation carried out by the civil air carrier or other civilian interest with approval of the Crown shall be entirely at the expense of the civil air carrier or other civilian interest with the basic rates outlined above remaining unchanged.

Department of National Defence Act—*concluded*

29. Any construction or alterations undertaken by a civil air carrier or other civilian interest are to be in accordance with accepted Department of National Defence standards with engineering details approved by the Crown.

30. On termination of contract, the Crown reserves the right to take over, at a mutually agreed figure, any alterations or services installed by the civil air carrier or other civilian interest concerned. If these alterations and/or additional services are not required by the Crown, then the civil air carrier or other civilian interest shall remove same, restoring the building and services to their original condition.

General

31. The Crown shall have the right to terminate the use of accommodation and facilities by civil air carriers or other civilian interests at any time.

32. The Crown is to be exempt from any liability whatsoever resulting from the use of accommodation and facilities by civil air carriers or other corporations or persons, whether arising from negligence of servants of the Crown or otherwise. The said civil air carrier or other corporation or person shall indemnify the Crown for all loss or damage suffered by the Crown by reason of the use of the Crown's accommodations and facilities or by the operation of aircraft by such civil air carrier or other corporation or person whether or not such loss or damage is caused or contributed by the negligence of said civil air carrier or other corporation or person.

DEPARTMENT OF NATIONAL HEALTH AND WELFARE ACT. (1944-45, c. 22)

Regulations concerning water for drinking and culinary purposes on certain air, land and water vehicles

P.C. 6536

AT THE GOVERNMENT HOUSE AT OTTAWA

Thursday, the 29th day of December, 1949.

Present:

His Excellency the Governor General in Council

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of National Health and Welfare and by virtue of the powers conferred by The Department of National Health and Welfare Act, Chapter 22 of the Statutes of Canada, 1944-45, is pleased to order as follows:

1. The regulations concerning water for drinking and culinary purposes, established by Orders in Council P.C. 1091 of 19th June, 1923, P.C. 417 of 25th February, 1930, and P.C. 475 of 9th March, 1937, are hereby revoked; and

2. The annexed "Regulations concerning Water for Drinking and Culinary purposes on certain Air, Land and Water Vehicles" are hereby made and established in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Department of National Health and Welfare Act—*continued*

Regulations Concerning Water for Drinking and Culinary Purposes on Certain Air, Land and Water Vehicles.

SHORT TITLE

1. These regulations may be cited as the Potable Water Regulations for Common Carriers.

INTERPRETATION

Definitions

2. In these Regulations

(*a*) "common carrier" includes any employee, servant or agent of a common carrier;

(*b*) "Department" means the Department of National Health and Welfare;

(*c*) "Minister" means the Minister of National Health and Welfare;

(*d*) "potable water" means water that is free of pathogenic bacteria and is of such a composition that, when five ten-millilitre portions thereof are examined according to the standard procedure outlined in the most recent edition of *Standard Methods for the Examination of Water and Sewage* published by the American Public Health Association, not more than one portion thereof shall show the presence of organisms of the coliform group, that is to say, the most probable number is not greater than 2·2 per 100 millilitres;

(*e*) "potable water system" means the equipment used on a vehicle for handling, treating, storing and distributing potable water;

(*f*) "raw water" means water that is not potable water;

(*g*) "vehicle" means any aircraft, train, vessel, motor vehicle or other mode of transportation that is used in:

(i) international traffic,

(ii) interprovincial traffic,

(iii) traffic on the sea coast of Canada and on the salt water bays, gulfs and harbours of Canada.

(*h*) "vessel" means any boat, ship or other mode of transportation by water that is used in any traffic mentioned in paragraph (*g*).

SUPPLY OF WATER AND ICE

Water for drinking or culinary purposes

3. No common carrier shall supply raw water for use on any vehicle for drinking or culinary purposes.

Ice with water or food

4. No common carrier shall supply for use with potable water or food on any vehicle ice that is not:

(*a*) made from potable water or obtained from a source approved by the Minister, and

(*b*) stored and handled in a clean and sanitary manner.

Department of National Health and Welfare Act—*continued*

OPERATION OF VEHICLES WITH POTABLE WATER SYSTEMS

Requirements for potable water system

5. No common carrier shall operate or cause to be operated a vehicle unless the potable water system is:

(*a*) operated without any connection to any system for handling, storing and distributing raw water,

(*b*) identified as a potable water system by signs on storage tanks, outlets and filling connections,

(*c*) protected from tampering by unauthorized persons,

(*d*) maintained in a sanitary condition.

Responsibility of common carrier

6. (1) Compliance with the requirements of this section shall be the responsibility of every common carrier who operates or causes to be operated any vehicle.

Cleaning a system exposed to contamination or having contained raw water

(2) When a potable water system has been exposed to contamination in any way or has contained raw water as revealed by the examination referred to in paragraph (*d*) of section two, it shall be sterilized with live steam or a chlorine solution and rinsed.

Cleaning tanks and containers before use

(3) Before the tanks and containers of any potable water system are used they shall be cleaned, sterilized with live steam or a chlorine solution and rinsed.

Cleaning potable water system when in use

(4) Subject to subsection six of this section, when a potable water system is in use it shall, at least once every two weeks, be sterilized with live steam or a chlorine solution and rinsed.

Cleaning water coolers and other chilling devices

(5) When a potable water system is in use the water coolers and other chilling devices thereof shall, at least once every two weeks, be emptied, sterilized with live steam or a chlorine solution and rinsed.

Cleaning closed potable water systems on a train

(6) The tanks and pipe lines of a closed potable water system on a railway train which is subject to these regulations shall, at least once every three months, be sterilized with live steam or a chlorine solution and rinsed.

Additional requirements for potable water system on a vessel

7. No common carrier shall operate or cause to be operated a vessel unless:

(*a*) the potable water system is maintained and operated in accordance with section five;

Department of National Health and Welfare Act—*continued*

Hull not to form part of storage tank

(*b*) no part of the deck or hull forms part of a potable water storage tank;

Deck vents

(*c*) the openings of all deck vents connected to a potable water system, face downwards and are covered with wire mesh;

Hull vents

(*d*) all potable water system vents or openings passing through the hull discharge at least ten feet above the loaded water line;

Filling connections

(*e*) all potable water system filling connections:

(i) begin at a point at least eighteen inches above the deck that they penetrate;

(ii) are securely capped when not in use, and

Sounding rod

(*f*) the sounding rod used in the potable water system is not used in any other water system and is handled and stored in a sanitary manner.

Prohibitions

8. No common carrier who operates or causes to be operated a vehicle shall permit on it:

Careless or insanitary handling of potable water

(*a*) careless or insanitary handling of potable water from the source of supply thereof to the points of consumption;

By-passes

(*b*) the existence of by-passes around the treatment or purification apparatus of a potable water system;

Raw water supply in galley

(*c*) the existence of a raw water supply in a galley or kitchen quarters unless:

(i) the outlet of such raw water supply is located at a point less than eighteen inches above the level of the deck or floor, and

(ii) a sign has been posted at the outlet indicating that the water is to be used only for the purpose of washing decks or floors.

Storage in tanks exposed to contamination

(*d*) the storage of potable water in tanks that are exposed to contamination by or from:

(i) pipes that pass through them,

(ii) raw water,

(iii) toilets, or

(iv) any other potential source of pollution, or

Department of National Health and Welfare Act—*continued*

(*e*) the existence of raw water outlets unless there has been posted at each such outlet a conspicuous and legible sign that states that the water available is not to be used for drinking or culinary purposes.

Operation of a new vehicle

9. Except in the case of aircraft, no common carrier shall put into operation or cause to be put into operation any vehicle the construction of which was completed after the first day of January nineteen hundred and fifty, unless two weeks prior to it being put into operation he has furnished the Minister with duplicate copies of the plans and specifications indicating the location and installation of the potable water system together with such further information as the Minister may require.

INSPECTION AND CERTIFICATION

Inspection by Minister

10. (1) The Minister or officials of the Department authorized by him may examine and inspect from time to time the potable water and potable water system of any vessel that is used for the transportation of passengers.

Issue of Regular Certificate

(2) Where the Minister is satisfied that the potable water and the potable water system comply with all the requirements of these regulations, he may issue to the owner of the vessel a Regular Certificate.

Issue of Temporary Certificate

(3) Where the Minister is not satisfied that the potable water system complies with all the requirements of these regulations, he may issue to the owner of the vessel a temporary certificate that will remain in force for a period to be fixed by the Minister but not to exceed one year from the date of issue.

Only one temporary certificate

(4) No more than one temporary certificate shall be issued under subsection three in respect of any one vessel.

Posting of certificates

(5) Certificates issued under subsections two and three shall be posted by the common carrier in a conspicuous place on the vessel in respect of which they are issued.

Notice to carrier of Non-compliance

(6) Where the Minister is not satisfied that the potable water or the potable water system comply with all the requirements of these regulations, he shall forward to the common carrier who owns the vessel a notice containing particulars of the manner in which the requirements of the regulations are not complied with.

Action to be taken by common carrier

(7) When a common carrier receives a notice under subsection six he shall take whatever action is necessary to ensure that the requirements of these regulations specified in the notice are complied with.

Department of National Health and Welfare Act—*concluded*

INFORMATION ON SOURCES OF SUPPLY OF WATER

11. The Minister may establish a list of the sources of supply of water used by common carriers in Canada and may furnish, upon request, to the owner of a vehicle, a copy of this list together with information respecting the condition and standard of quality of the water available.

OFFENCE AND PENALTIES

12. Every person who knowingly violates any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

DEPARTMENT OF RECONSTRUCTION AND SUPPLY ACT, 1945. (1945, c. 16)

No statutory orders or regulations have been made under this statute.

DEPARTMENT OF TRANSPORT ACT. (1936, c. 34)

Rules and Regulations for the Guidance and Observance of Those Using and Operating the Canals of Canada under the Jurisdiction of the Department of Transport

P.C. 5167

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 18th day of October, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and under the authority of the Department of Transport Act, Revised Statutes of Canada, 1927, chapter 171, is pleased to order as follows:

1. The Rules and Regulations for the Guidance and Observance of Those Using and Operating the Canals of Canada under the Jurisdiction of the Department of Transport, established by Order in Council P.C. 1152 of 13th April 1948, as amended, are hereby revoked; and

2. The annexed "Rules and Regulations for the Guidance and Observance of Those Using and Operating the Canals of Canada under the Jurisdiction of the Department of Transport" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Department of Transport Act—*continued*

Rules and Regulations for the Guidance and Observance of those Using and Operating the Canals of Canada under Jurisdiction of the Department of Transport.

SHORT TITLE

1. These rules and regulations may be cited as the "Canal Rules and Regulations."

INTERPRETATION

2. In these regulations,

(*a*) "basin" means any navigable area, whether or not including a part of the normal canal prism, provided for the loading, unloading, turning or passing of vessels;

(*b*) "bulk freight" means all goods not comprised within the definition of package freight;

(*c*) "canal" has the same meaning as is assigned to that word in section 2 of the Department of Transport Act;

(*d*) "Department" means the Department of Transport;

(*e*) "employee" means any person employed by the Department other than "officers" as herein defined;

(*f*) "Director" means the Director of Canal Services of the Department of Transport, or such person duly appointed to act in that behalf;

(*g*) "goods" means any animal, commodity or merchandise of any description or nature whatsoever;

(*h*) "Lockmaster", "bridgemaster", "marine railway operator" and "damkeeper" mean respectively any person who is actually on duty in charge of a lock, bridge, marine railway or dam;

(*i*) "lying in wait" means the waiting of a vessel or raft, during the season of navigation, in any portion of a canal not specifically designated by the Director or Superintending Engineer for the purpose of the lying up of vessels and/or rafts;

(*j*) "lying up" means the occupying by a vessel or raft, within the season of navigation, of a berth in such portion of a canal as shall be specifically designated by the Director or Superintending Engineer for that purpose, and a "lying up area" means an area so designated;

(*k*) "master" means any person except a pilot who is in charge of a vessel or raft;

(*l*) "Minister" means the Minister of Transport, or his Deputy, or Acting Deputy, or any Minister acting for, or in the place of, the Minister of Transport;

(*m*) "officer" means any person employed by the Department in any position exercising control in connection with the canals;

(*n*) "owner of the goods" includes the consignor and the consignee of the goods;

(*o*) "package freight" means goods that are bagged, baled, boxed, bundled, crated, wrapped, or otherwise enclosed or bound for transportation;

Department of Transport Act—*continued*

(*p*) "raft" means any raft, bag, parcel, sack or crib of timber, manufactured or unmanufactured, of any description, such as lumber, logs, floating timber, rafting materials, ties, poles, pulpwood or cordwood;

(*q*) "restricted area" means any area of canal land declared by order of the Director or the Superintending Engineer to be an area upon which no goods are to be deposited at any time;

(*r*) "season of navigation" when applied to any canal, means the varying period from the date of the official opening to the date of the official closing of navigation on such canal, both dates inclusive, as fixed from time to time by the Director;

(*s*) "side wharfage charges" means rates or charges levied on a vessel loading, unloading or lying in wait in a canal;

(*t*) "storage charges" means rates or charges levied on goods occupying unleased canal property;

(*u*) "Superintending Engineer" and "Superintendent" mean respectively the person holding the office of Superintending Engineer or Superintendent of any of the Dominion canals or any person duly authorized to act for any such officer;

(*v*) "top wharfage charges" means rates or charges levied on goods loaded on or unloaded from a vessel in a canal;

(*w*) "tow" means pull, push or otherwise move through the water;

(*x*) "unrestricted area" means any area of unleased canal land not included in a Restricted Area;

(*y*) "vessel" means any ship, boat, barge, dredge, scow, pontoon, skiff, canoe or any other description of vessel, however propelled, used or designed to be used in navigation;

(*z*) "wintering" means the occupying, by a vessel or raft, within the non-navigation season, of a berth within the limits of the canals, whether such vessel or raft be floating or on the ground;

(*aa*) "working days" means days on which work can legally be performed.

AUTHORITY

3. (1) The Canal Rules and Regulations are made under the authority of sections 25 and 26 of the Department of Transport Act, being Chapter 171, Revised Statutes of Canada, 1927, as amended by Chapter 34 of the Statutes of 1936.

(2) The duty of enforcing these regulations shall rest with the Director, or the Superintending Engineer, or the Superintendent in control of the operation of the particular canal affected, and the power of fixing (within the limitations provided herein) the several penalties for violations of these regulations shall vest in the Director.

(3) Any person who fails or refuses to comply with any of these regulations or with any instructions issued under these regulations by the Director or the Superintending Engineer or the Superintendent shall be liable to a penalty not exceeding One Hundred dollars for each and every such offence for which no other penalty is provided.

(4) Section 30 of the Department of Transport Act applies to recovering of penalties and is quoted herewith:

Department of Transport Act—*continued*

"All pecuniary penalties imposed by this Act, or by any regulation made under the authority thereof, shall be recoverable, with costs, before any justice of the peace for the district, county or place in which the offence was committed, under Part XV of the Criminal Code, and if sufficient distress cannot be found, and such penalty is not forthwith paid, such justice may, by warrant under his hand and seal, cause the person offending to be imprisoned for such term as such justice directs, not exceeding thirty days, unless such penalty and costs are sooner paid.

2. Such penalties shall, except as hereinbefore provided, belong to His Majesty, for the public uses of Canada."

LIABILITY FOR AND RECOVERY OF CHARGES, DUES, PENALTIES, DAMAGES, ETC.

4. (1) The owner of any vessel, raft or thing shall be liable, in addition to any penalty imposed for violation of any of these regulations, for any and all injury or damage done or caused directly or indirectly by such vessel, raft or thing to government, municipal or private property, or to any person, whether the same arise from the fault, neglect or mismanagement of the owner or person in charge or from his inattention to or disregard of these regulations, or from the non-working or defective operation of the vessel's machinery, or any of its appliances, or from any defects in the vessel's machinery, appliances or gear.

(2) The owner of any vehicle, automobile or motor truck shall be liable for any and all injury or damage done or caused directly or indirectly by such vehicle, automobile or motor truck to canal property or to any person on canal property.

(3) The Director or the Superintending Engineer may estimate the amount of compensation for all injuries and damages caused to government, municipal or private property, either directly or indirectly, by any vessel, raft, thing, vehicle, automobile or motor truck, and in the event of any owner or person in charge of any vessel, raft, or thing, or any owner of any goods being liable under any of these regulations for any charges, dues, or penalty, or any injury or damage as aforesaid, the Director or the Superintending Engineer or the Superintendent, may seize and detain such vessel, raft or thing and the goods on board thereof, or unloaded therefrom, and goods placed on canal property, until the amount of such charges, dues, or penalty is paid and, in case of such injury or damage, until the amount in cash of the said estimate is deposited with the Department as security for the payment therefor, which security may be applied on account of compensation for the injury or damage done. The making of such deposit, however, shall not relieve the owner from liability to make pecuniary compensation to the full amount of the injury or damage done or caused as may ultimately be ascertained, nor prevent the subsequent seizure and detention of such vessel, raft or thing and of such goods, until the full amount of pecuniary compensation for the injury or damage done or caused has been paid.

(4) In default of any such payment or deposit as security within a reasonable time, not exceeding thirty days from the date of any such seizure, the Director or the Superintending Engineer may sell, by public auction and after notice to the owner, any such vessel, raft, thing or goods and apply the net proceeds of such sale in payment or part payment of

Department of Transport Act—*continued*

such dues, charges, penalty or damages, as the case may be, and the balance owing, if any, shall be recoverable from the owner. The surplus net proceeds, if any, of any such sale after the payment of such charges, dues, penalty or damages, as the case may be, shall be paid to the owner.

CLASSIFICATION OF CANALS

5. (1) The Canals of Canada under the jurisdiction of the Department of Transport are as follows:

Main Route:

Lachine Canal
Soulanges Canal
Cornwall Canal
Farran Point Canal
Rapide Plat Canal
Galop Canal
Welland Ship Canal
Sault Ste. Marie Canal

Other Routes:

St. Peters Canal
Richelieu River Canals
Old Beauharnois Canal
Ottawa River Canals
Old Galop Canals
Rideau Canal
Murray Canal
Trent Canal
Welland Canals (other than Welland Ship Canal)

CANAL DISTRICTS

(2) The said canals shall include the following and be grouped and specified as follows:—

"Quebec Canals", including the Lachine and Soulanges Canals and the Old Beauharnois Canal with the Government Dams at Valleyfield, all on the St. Lawrence River; the St. Ours and Chambly Canals on the Richelieu River; and the Ste. Anne, Carillon and Grenville Canals on the Ottawa River.

"Ontario-St. Lawrence Canals", including the Cornwall Canal and the Williamsburg Canals. "Williamsburg Canals" include the Farran Point, Rapide Plat and Galop Canals. "Galop Canals" include the North Channel upstream from the Upper Entrance and the Old Galop Canal both upstream and downstream from former Lock 26.

"Welland Canals", including the Welland Ship Canal extending from the northern extremity of the entrance to Port Weller on Lake Ontario to the southern extremity of the Port Colborne Breakwater on Lake Erie; the Third Welland Canal including Port Dalhousie Harbour, Lock 1, and those parts of Third Welland Canal lands, which have not been alienated, extending from Port Dalhousie to Lock 3, Welland Ship Canal; the Second Welland Canal extending from Port Dalhousie to Thorold; the Welland River including the Cut at Chippawa; and the Feeder Canal between Welland, Port Maitland and Dunnville.

Department of Transport Act—*continued*

"Sault Ste. Marie Canal" and the upper and lower entrance channels from the International Boundary to the lock.

"St. Peters Canal."

"Rideau Canal" and its subsidiary waters, including the Tay Branch.

"Trent Canal" and its subsidiary waters.

"Murray Canal".

CANAL SECTIONS FOR STATISTICAL INFORMATION

(3) For purposes of Ship's Reports and statistical information the canals are classified in the following sections or subdivisions:—

Canals on the St. Lawrence River, viz: the Lachine, the Soulanges, the Cornwall and the Williamsburg Canals (offices at Montreal, Cascades Point, Cornwall and Cardinal).

Welland Ship Canal (offices at Port Colborne and Port Weller).

Sault Ste. Marie Canal (one office at the lock).

St. Peters Canal (one office at St. Peters, C.B.).

Richelieu River Canals (offices at St. Ours Lock and Chambly Basin).

Ottawa River Canals (offices at Ottawa, Carillon and Ste. Anne).

Rideau Canal (offices at Ottawa, Smiths Falls and Kingston Mills).

Murray Canal (one office at Brighton Road Bridge).

Trent Canal (offices at all locks and marine railways).

Third Welland Canal (one office at Lock 1, Port Dalhousie).

APPLICATION

6. (1) The Rules and Regulations hereinafter set out are of two kinds namely, *General,* applicable to all canals under the jurisdiction of the Department, and *Special,* applicable to particular canals only as indicated by the headings under which such special rules and regulations are classified.

(2) In the event of any inconsistency between the provisions of the clauses of the general rules and regulations and the provisions of the clauses of the special rules and regulations, the provisions of the special rules and regulations shall prevail.

GENERAL RULES AND REGULATIONS

Applicable to all Canals of Canada Under the Jurisdiction of the Department of Transport Except as Otherwise Provided in the "Special Regulations" for Individual Canals.

CUSTOMS CLEARANCE PAPERS

7. Customs clearance papers of vessels must be produced and shown to any Superintendent or lockmaster when required or passage of canal may be refused.

TIME WHEN CANALS ARE OPEN

8. The canals will be open for navigation throughout each day and night, including Sundays, during the season of navigation, with the following exceptions:—

Department of Transport Act—*continued*

(*a*) The season of navigation on canals other than Main Route canals may start later and end earlier or later than on those constituting the Main Route. Information regarding the duration of the season of navigation on any canal for any year may be obtained from the Superintending Engineer of such canal.

(*b*) Most canals except Main Route canals have restricted Sunday hours, and announcement will be made each year at the time of opening of navigation of the Sunday opening rules as applying to that navigation season for these canals.

(*c*) On the Trent Canal, the railway movable bridge at Hastings is operated twenty-four hours daily except Sundays and all other railway movable bridges are operated from 6.00 a.m. to 10.00 p.m. daily except Sundays or during such other hours as may be determined from time to time by the Director.

(*d*) On the Rideau Canal, the railway movable bridge at Smiths Falls is operated daily from 6 a.m. to 10.00 p.m. or during such other hours as may be determined from time to time by the Director.

(*e*) The St. Peters Canal will be open on week days only from 7 a.m. to 6 p.m. or during such other hours as may be determined from time to time by the Director.

(*f*) On the Third Welland Canal the lock at Port Dalhousie is operated daily from 8 a.m. to 10 p.m. or during such other hours as may be determined from time to time by the Director.

USE OF CANALS TO BE AT OWNER'S RISK

9. All vessels or rafts, when plying on or passing through the canals, shall do so entirely at the risk of their respective owners; and neither His Majesty nor any agent or employee of His Majesty shall be held liable or responsible for any compensation to the owner of any such vessel or raft if for any reason whatever it be prevented from using any canal, or part thereof, or be damaged, destroyed, detained or delayed while passing through the same.

LET PASS REQUIREMENTS

10. (1) Except as provided in subsection (5), no vessel or raft shall pass through or use any canal or part thereof without a valid Annual or Trip Let Pass issued with respect to such vessel as set out in subsections (2) and (3) respectively, and such pass shall be shown to any lockmaster or other officer whenever and as often as required by such officer.

(2) An "Annual Let Pass", good for passage through any canal under the jurisdiction of the Department at any time during the season of navigation for which it is issued, may be obtained from any Superintending Engineer (or in the case of pleasure boats of forty (40) feet or less in length, from the local statistical officer, lockmaster or bridgemaster) on completion of an Annual Let Pass Agreement in the following form:—

ANNUAL LET PASS AGREEMENT

The undersigned, being the owner of

Vessel .....Nationality .....
(S.S., M.S., Barge, Sail, Etc.)

Official No. .....Port of Registry .....

Owner .....

Address .....

Department of Transport Act—*continued*

in consideration of being allowed by His Majesty passage of the said vessel through, or use by the said vessel of, the canals of the Dominion of Canada or part or parts thereof during the navigation season of the present calendar year, agrees that such passage or use shall be made subject to the Canal Rules and Regulations currently in force, approved by the Governor in Council, and to all the fines, penalties, conditions and liabilities imposed thereby for infraction thereof, and further agrees to comply with and abide by all the provisions of such Rules and Regulations, and, forthwith on demand, to pay and discharge all dues, charges, fines, penalties and liabilities imposed under such Rules and Regulations, and, in default, that such action may be taken by or on behalf of His Majesty as provided for in such Rules and Regulations to enforce compliance therewith and to give effect thereto and to recover all such dues, charges, fines, penalties and liabilities so imposed; and further agrees to make no claim or demand and to take no action or proceeding in any Court of Law or Equity against His Majesty, or any officer, servant or agent of His Majesty, for, or by reason of, any damage or injury to or loss of the said vessel or its cargo while passing through or using the said canals or part or parts thereof caused by or resulting from the negligence of any officer, servant or agent of His Majesty while acting within the scope of his duties, employment or agency on the said canals or part or parts thereof; and further agrees to indemnify and save harmless His Majesty, His Officers, servants and agents from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted, in any manner based upon, occasioned by or attributable to the passage of the said vessel through, or the use by the said vessel of the said canals or part or parts thereof.

Dated this .....day of .....19 ....

SIGNED, SEALED AND DELIVERED

.....

in the presence of

.....
Owner of Aforesaid Vessel.

.....

(3) A "Trip Let Pass" good for one passage, one way or one way and return as the case may be, through those canals or parts of canals between the port of departure and the port of destination of a vessel or raft not provided with a valid Annual Let Pass, may be obtained by the master of the vessel on application to the local statistical officer, lockmaster or bridgemaster at the entrance to the first canal encountered on such voyage, on payment of a fee of Ten dollars ($10.00) for each such Trip Let Pass in excess of three during one navigation season (three such Trip Let Passes being issuable free during such navigation season) and upon completion by the owner, or by an authorized agent of the owner upon production of satisfactory evidence of such authorization, of a Trip Let Pass Agreement, in the following form:—

Department of Transport Act—*continued*

TRIP LET PASS AGREEMENT

The undersigned, being the owner or authorized agent of the owner of the

(*a*) Vessel .....Nationality .....
(S.S., M.S., Barge, Sail, Etc.) Country of Registry
Official No. .....Port of Registry.....
Owner .....
Address .....

in consideration of being allowed by His Majesty passage of the said vessel through or use by the said vessel of those canals of the Dominion of Canada or part or parts thereof on the route of voyage

from the port of (*b*).....

to the port of (*c*).....

agrees that such passage or use shall be made subject to the Canal Rules and Regulations currently in force, approved by the Governor in Council, and to all the fines, penalties, conditions and liabilities imposed thereby for infraction thereof, and further agrees to comply with and abide by all the provisions of such Canal Rules and Regulations, and, forthwith on demand, to pay and discharge all dues, charges, fines, penalties and liabilities imposed under such Canal Rules and Regulations, and, in default, that such action may be taken by or on behalf of His Majesty as provided for in such Canal Rules and Regulations to enforce compliance therewith and to give effect thereto and to recover all such dues, charges, fines, penalties and liabilities so imposed; and further agrees to make no claim or demand and to take no action or proceedings in any Court of Law or Equity against His Majesty or any officer, servant or agent of His Majesty, for, or by reason of, any damage, injury to or loss of the said vessel or its cargo while passing through or using the said canals or part or parts thereof caused by or resulting from the negligence of any officer, servant or agent of His Majesty while acting within the scope of his duties, employment or agency on the said canals or part or parts thereof; and further agrees to indemnify and save harmless His Majesty, His officers, servants and agents from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted, in any manner based upon, occasioned by or attributable to the passage of the said vessel through, or the use by the said vessel of, the said canals or part or parts thereof.

Dated this..... day of ..... 19....

(*d*) Signature .....
(Owner or Authorized Agent)
(*e*) Official Title of Signatory.....
Witness .....

(*a*) Insert name of vessel and details in blanks, or, in the case of a raft, the material thereof.
(*b*) Insert name of port of departure.
(*c*) Insert name of port of destination.
(*d*) Signature of owner or person authorized to sign on behalf of the owner.
(*e*) Statement of office or occupation of signatory.

Department of Transport Act—*continued*

(4) Any change in the ownership of a vessel for which an "Annual Let Pass" has been issued shall, *ipso facto,* cause the said "Annual Let Pass" to be null and void and, before such vessel enters or uses any canal or part thereof after such change in ownership, the new owner shall obtain a new Let Pass.

(5) Any vessel not provided with a Let Pass, Annual or Trip, may enter the following canals to the extent only as specified below and for the purpose only of securing a Let Pass; and a Let Pass shall be secured for such vessel before any further passage shall be made:

Lachine—Upbound—Into East or West Lock 1.

Welland Ship—Southbound—Into Port Weller Harbour, tying up to the west wall north of Lock 1.
Northbound—Into Port Colborne Harbour, tying up to harbour wall south of Bridge 21.

Third Welland—Southbound—Into Port Dalhousie Harbour, tying up to the west harbour wall north of Lock 1.

Sault Ste. Marie—Upbound or downbound—Into the lock.

Rideau—South bound from Ottawa River—Into Lock 1.
Northbound from Lake Ontario—Into Lock 49 at Kingston Mills.

Trent —Northbound from Bay of Quinte or Trenton Harbour—Into Lock 1.
Eastbound from Georgian Bay—Into Port Severn Lock.

Murray—Eastbound or Westbound—to, but not through, the Brighton Road Bridge.

St. Peters—Eastbound or Westbound—Into the lock.

(6) For any violation or attempted violation of this regulation the owner of the offending vessel or raft shall be liable to a penalty of not less than One Hundred dollars and not exceeding Four Hundred dollars.

STATISTICAL DATA REQUIREMENTS

11. (1) No vessel or raft, except pleasure craft of forty (40) feet or less in length, shall pass through or use any canal or part thereof without furnishing to the statistical officer or other officer in charge at the nearest canal statistical office a full detailed report signed and certified by the master or the owner of the vessel or raft and made out on the regular printed Ship's Report form supplied for that purpose showing, in the case of a vessel, its registered gross and net tonnage, the nature and quantity of the cargo, and its destination and, in the case of a raft, its destination and the number of pieces of timber and feet B.M., logs, spars, ties, etc., of which it is composed.

If so authorized by the Department, when bills of lading are not immediately available, the details of the nature and quantity of the cargo may be supplied by the owner of the vessel or his agent at such place and by such date as may be provided for in such authorization.

(2) For any violation or attempted violation of this regulation or for any refusal to furnish such Ship's Report, the owner of the vessel or raft concerned shall be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars.

Department of Transport Act—*continued*

VESSELS IN BAD CONDITION OR INSUFFICIENTLY MANNED

12. (1) No vessel or raft which is in such bad condition as, in the opinion of the Director or the Superintending Engineer or the Superintendent, to jeopardize the canal works, or to become or be likely to become, a source of damage, injury or delay to navigation, shall enter or proceed in any canal, except that if already in a canal, such vessel shall on the demand of the Director or the Superintending Engineer or the Superintendent, proceed out of the canal in the direction and manner as instructed. For any violation of the provisions of this subsection the owner of the offending vessel or raft shall be liable to a penalty of not less than Ten dollars and not exceeding Two Hundred dollars.

(2) No vessel manned with a crew insufficient, in the opinion of the Director or the Superintending Engineer or the Superintendent, to operate and navigate the vessel in a safe and proper manner shall enter or proceed in any canal, except that if already in a canal such vessel shall proceed in or out of such canal under and in accordance with the instructions of the Director or the Superintending Engineer or the Superintendent. For any violation of the provisions of this subsection, the owner of the vessel concerned shall be liable to a penalty of not less than Fifty dollars and not exceeding Two Hundred dollars, and the vessel shall be liable to be detained by the Director or the Superintending Engineer or the Superintendent until such time as, in his opinion, the vessel is sufficiently and properly manned.

CANAL OFFICERS MAY EXAMINE VESSELS OR RAFTS

13. The Director, or the Superintending Engineer or the Superintendent shall, at all times, have full power to stop any vessel or raft at any point on a canal, and to enter on and remain on such vessel or raft so long as he may deem necessary for the purpose of examining the same, or of verifying any pass, manifest or Ship's Report of such vessel or raft; and every facility shall be afforded him for obtaining such information concerning such vessel or its cargo, or raft, as he may desire, and for ascertaining the number of cribs or the number of pieces of any description of timber of which the raft is composed; and any person obstructing such officer in the execution of his duty by failing to stop such vessel when required, or by withholding such information, or otherwise, and the owner of any such vessel or raft, with regard to which such officer is obstructed in the execution of his duty or which is not stopped when required by such officer or with regard to which such information is withheld, shall be liable to a penalty of not less than Fifty dollars and not exceeding Two Hundred dollars.

DRAUGHT OF WATER

14. (1) Every vessel, drawing five feet or over, navigating any canal shall be correctly and distinctly marked and gauged at the bow and stern so as to show her exact draught fore and aft, and no vessel without such gauge marks shall enter any canal.

(2) Whenever required, the master of any vessel shall produce a certificate, duly sworn to, from the last drydock the vessel was in, that her draught marks are correct.

Department of Transport Act—*continued*

(3) No vessel shall enter or pass through any lock or reach of any canal unless the depth of water on the controlling point for draught in such lock or reach exceeds by at least three inches the maximum draught of the vessel at the time.

(4) Subject always to the provisions of subsections (3) and (5), no vessel shall enter or proceed in any canal drawing more than the depth of water set out opposite such canal in the following table:

	feet
Lachine canal from lower entrance to Basin 2 and Wellington basin (Note Regulation 87)	17.0
Remainder of Lachine canal	14.0
Soulanges canal	14.0
Cornwall canal	14.0
Farran Point canal	16.0
Rapide Plat canal	14.0
Galop canal	14.0
Welland Ship canal	23.0
Sault Ste. Marie Canal—The draught recommended from time to time by the Director or the Superintending Engineer	
St. Peters canal	17.0
St. Ours canal	12.0
Chambly canal	6.5
Ottawa river canals	9.0
Rideau canal	5.5
Murray canal	9.5
Third Welland canal	14.0
Trent canal, Bay of Quinte to lower entrance lock 19	8.0
Lower entrance lock 19 to Swift Rapids	6.0
Swift Rapids and Big Chute Marine railways	4.0
Big Chute to Georgian Bay	6.0

(5) Should exceptional circumstances so require, the draught limits set out in subsection (4) may, at the discretion of the Director or the Superintending Engineer be increased or decreased, either through a whole canal or group of canals or through specific locks thereof; always subject, however, to the provisions of subsection (3).

(6) As the reaches of the Trent Canal between the Bay of Quinte and the lower entrance to Lock 19 may from time to time be drawn down below their standard elevations, vessels drawing more than six feet ten inches of water shall be subject to such delays, ordinarily not exceeding forty-eight hours for a vessel drawing eight feet of water, as may be required to bring the reaches of the said section of the Trent Canal up to levels which will afford a depth on the lock sills exceeding by at least three inches the maximum draught of the vessel at the time. The master of any such vessel shall before the commencement of each trip on the said section notify the Superintendent of the Ontario-Rice Lake Division of the canal at his Frankford office of his proposed schedule and shall await permission of the said Superintendent before commencing any such trip, and during such trip shall comply with all the conditions attached to such permission.

(7) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars and the vessel shall be liable to detention until the said penalty is paid and the vessel properly lightened.

Department of Transport Act—*continued*

Trim of Vessels

15. All vessels navigating any canal or harbour shall have all their tackle, equipment and cargo so arranged and secured that no damage will be done to any lock gates, piers, bridges or other works or property of, or to any other vessel in, any such canal or harbour; and all their discharge pipes shall be covered with hoods so as to discharge below the lock coping. All vertical and/or hanging fenders used by vessels when passing through locks shall be made of such materials as will float, or if not made of such materials as will float, shall be securely fastened to the vessel by means of a steel cable or by means of two manila ropes, all in good condition. Automobile tires shall not, under any circumstances, be used as fenders. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Five dollars and not exceeding Forty dollars.

Smokestack Screens

16. No steam vessel using wood as fuel for motive purposes shall pass into or through any portion of any canal or harbour without having fixed at the top of each of her smokestacks a wirescreen, the meshes of which shall be no wider than one-quarter of an inch; such screen to be so placed as to be easily seen by the lock employees, when closed. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of Twenty dollars.

Tractor and Animal Towage

17. No tractor or animal traction shall be used on any canal, except on the Murray Canal, the Richelieu River Canals and the Ottawa River Canals. Persons undertaking towing must have the necessary number of tractors in good condition or of horses in good health and His Majesty shall on no account be held liable or responsible for any compensation to the owner of tractors, horses or rigs on account of any accident, however caused, that may occur to their tractors, horses or rigs.

Vessels in Tow

18. (1) Any vessel not using steering apparatus which is satisfactory in the opinion of the Director shall, when being towed by tractor or animal, be fastened to the source of traction by a tow line in such a way that there shall be at least one hundred (100) feet between the point where the line is fastened to the source of traction and the point where the line is fastened to such vessel.

(2) Except with the special permission, in writing, of the Director, the Superintending Engineer or the Superintendent, no more than one vessel shall at one time be towed by another vessel on any Ontario-St. Lawrence Canal or on the Welland Ship Canal.

(3) Except with the special permission, in writing, of the Director or the Superintending Engineer, no vessel shall, on any Main Route canal, except on the Welland Ship Canal, be fastened alongside its towing vessel.

(4) When so required by the Director, the Superintending Engineer or the Superintendent, two tugs or other towing vessels shall be provided for towing any vessel through any Main Route canal.

Department of Transport Act—*continued*

(5) The owner of any vessel towing another vessel and the owner of the towed vessel shall be jointly and severally liable for any injury or damage caused by such towed vessel.

(6) For any violation of this regulation the owner of the vessel being towed and the owner of the towing vessel shall each be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars.

(Note Regulation 101 for Welland Ship Canal).

Speed of Vessels

19. Every vessel, after entering a canal, shall proceed, in the opinion of the Director, at a reasonable speed so as not to cause undue delay to vessels navigating in the same direction, but no vessel shall proceed in any canal at a speed greater, in the opinion of the Director or the Superintending Engineer or the Superintendent, than is reasonable and proper having regard to the traffic and use of such canal or so as to endanger the life or limb of any person or the safety of any property, which speed, when not otherwise specified, shall be taken as not exceeding six miles an hour. For any violation of this regulation, the owner of the offending vessel shall be liable to a penalty not exceeding Two Hundred dollars; and, further, the vessel may be detained at any lock for a period equal, in the opinion of the said officer, to the time gained by such vessel through such violation.

(Note Regulation 102 for Welland Ship Canal.)

Lights on Vessels

20. Every vessel or raft navigating or lying moored in any canal or in any navigable channel between canals shall comply with the Rules of the Road issued by the Department respecting lights, applicable to the area in which such canal or channel is situated. No vessel shall use a search light for ordinary navigating purposes in canal waters. If it becomes necessary to use a search light in a case of emergency, then the rays of the search light shall not be directed towards the pilot house or navigating bridge of another vessel nor towards the operating house of a canal bridge, or the control room of a canal lock, nor along the tops of lock walls on which canal employees are on duty. Vessels when lying at a pier awaiting their turn to enter a lock shall be considered as still under way and their lights are to be regulated accordingly. For any violation of this regulation the owner or person in charge of such vessel or raft shall be liable to a penalty of not less than Four dollars and not exceeding Forty dollars.

Passing of Vessels

21. (1) The passing of vessels meeting or overtaking one another in a canal shall be governed by the Rules of the Road issued by the Department in such connection, applicable to the area in which such canal is situated, except as follows:—

(*a*) When meeting in East Basin 1 of the Lachine Canal, each vessel, unless both be tugs or other small boats, shall pass on the starboard side of the other.

(*b*) When meeting at Bridge 15 of the Welland Ship Canal, where two separate channels are available, the down or north bound vessel

Department of Transport Act—*continued*

shall have the right of way and shall signal to the up or south bound vessel which channel it proposes to take. The signal so given shall be promptly answered by the master of the up or south bound vessel.

(*c*) When two vessels are approaching from opposite directions a swing bridge which does not provide separate channels for up and down traffic and which curtails the normal width of the navigation channel, the downbound vessel shall have the right of way, the upbound vessel holding back so that the vessels will pass each other at least 300 feet below the bridge.

(*d*) Except in the Welland Ship Canal, when two vessels, either one of which exceeds 100 feet in length, are approaching a bend in a canal from opposite directions, the downbound vessel shall have the right of way and the upbound vessel shall check its speed so as to avoid meeting in the bend.

(*e*) No vessel shall attempt to pass another vessel while within 300 yards of a lock, guard gate or bridge which both are approaching.

(2) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Two dollars and not exceeding One Hundred dollars.

(Note Regulation 103 for Welland Ship Canal.)

(Note Regulation 112 for Sault Ste. Marie Canal.)

Passing Moored Vessels

22. Any vessel passing a vessel or vessels moored to a wharf, pier or the bank of any canal and any vessel passing construction or maintenance equipment working in a canal shall proceed at dead slow engine speed while so passing. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty not exceeding One Hundred dollars and shall also be liable for any damage to such moored vessel or vessels or to such construction or maintenance equipment resulting from failure to comply with this regulation.

Precedence at Railways Bridges

23. Precedence at railway movable bridges shall, at all times, be given to canal traffic, but no unreasonable delay shall be caused by any vessel to railway traffic; the Director, or the Superintending Engineer or the Superintendent, shall be the judge as to the reasonableness of the delay. If the signal for the bridge is given by any approaching train while a vessel is between a quarter of a mile and a half mile distant from the bridge, the vessel shall slow down, stop if necessary, and await the passage of the train. For any violation or attempt at violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Five dollars and not exceeding One Hundred dollars.

(Note Regulation 104 for the Welland Ship Canal.)

Vessels Approaching Lock or Bridge

24. (1) A whistle, bell or horn shall be sounded at least half a mile before a vessel reaches any lock or movable bridge as an approach signal from the vessel; provided, however, that such signal shall be given to such

Department of Transport Act—*continued*

extent only as, in the opinion of the Director, or the Superintending Engineer or the Superintendent, is necessary to give the officer in charge of such lock or bridge timely warning to make preparations to receive the vessel at the lock or to allow it to pass through the bridge opening. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Fifty dollars.

(2) It shall be the duty of the master of any vessel on approaching any lock, guard gate or bridge to ascertain for himself, by careful observation, whether such lock, guard gate or bridge is prepared to allow his vessel to enter or pass, and he shall govern the speed of, and otherwise control, his vessel so as to avoid collision with and/or damage to the lock or guard gate or their gates, or the bridge or other canal works. For any violation of the provisions of this subsection or for failure to comply with the orders of the lockmaster covering the movement of a vessel into a lock the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Two Hundred dollars.

(3) To assist the master of a vessel in complying with the provisions of this regulation, signal lights are placed on all locks and bridges, as follows:—

(*a*) Traffic signal lights, red, green and flashing red, visible by day as well as by night, are installed at certain locks, guard gates and bridges on the Main Route Canals. At all such locks, guard gates and bridges, except where otherwise specified in the Special Regulations relating only to the particular canal concerned, a red signal or no signal indicates that the structure is not ready and a green light that it is ready for the passage of a vessel. At a lock a flashing red light indicates that the lock is being made ready to receive a vessel and, at a guard gate or bridge, it indicates that power is available to operate the structure.

(*b*) on all locks not equipped with traffic signal lights as described in paragraph (*a*) of this subsection, a red light placed at the mitre of the gates farthest from the approaching vessel indicates that the lock is ready to receive a vessel.

(*c*) On all movable bridges over navigable canal channels not equipped with traffic signal lights as described in paragraph (*a*) of this subsection, lanterns with red and green lenses are provided which cast at night a red light along the channel when the bridge is closed and a green light when the bridge is open for canal traffic.

(4) When approaching any lock entrance or guard gate equipped with traffic signal lights as described in paragraph 3(*a*) of this regulation, the stem of any vessel shall not pass the sign marked LIMIT OF APPROACH before such structure while the signal light thereon shows red or when no light is shown. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

(5) At night when approaching any lock not equipped with traffic signal lights as described in paragraph 3(*a*) of this regulation, no vessel shall attempt to enter such lock until a red light is shown on the mitre of the gates farthest from the approaching vessel. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Two Hundred dollars.

Department of Transport Act—*continued*

(6) No vessel shall attempt to pass any movable bridge equipped with traffic signal lights as described in paragraph 3 (*a*) of this regulation while the lights thereon show red or when no light is showing. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of not less than One Hundred dollars and not exceeding Four Hundred dollars.

(7) At night no vessel shall attempt to pass any movable bridge not equipped with traffic signal lights as described in paragraph 3 (*a*) of this regulation while the lights thereon show red or when no light is showing. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Two Hundred dollars.

(Note Regulation 88 for the Lachine Canal.)
(Note Regulation 95 for the Cornwall Canal.)
(Note Regulations 104 and 105 for the Welland Ship Canal.)
(Note Regulation 113 for the Sault Ste. Marie Canal.)

VESSELS WAITING AT LOCKS

25. (1) All vessels approaching a lock, while any other vessel is in or about to enter the same, shall be stopped and made fast to the posts or other devices placed for that purpose and shall be kept so tied up until directed by the officer in charge to proceed.

(2) When several vessels are waiting to enter any lock or canal, they shall lie in single tier, and at a distance of not less than 300 feet from such lock or canal, except where local conditions may, in the opinion of the Director, or the Superintending Engineer or the Superintendent, otherwise require.

(3) For the purpose of passing through a lock or canal, each vessel shall advance in the order in which it arrived at such lock or canal except that,—

(*a*) Specific classes of vessels shall follow such order of precedence as may be established from time to time by the Director.

(*b*) A vessel small enough to lock with a preceding vessel shall advance for that purpose ahead of its regular turn, if so instructed by the lockmaster.

(*c*) Vessels with barges in tow and, in special circumstances, other vessels, shall follow such order of precedence as may be determined by the Superintending Engineer or the Superintendent.

(*d*) An approaching vessel which is within such distance of a lock that she would be seriously or unduly delayed if another vessel which has arrived at the lock before her and over which she has precedence, under the provisions of paragraphs (*a*), (*b*) and (*c*), were locked before her, shall be accorded such precedence as she would have had if she were already at the lock.

(4) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Fifty dollars.

(Note Regulations 88 and 89 for the Lachine Canal.)
(Note Regulation 95 for the Cornwall Canal.)
(Note Regulation 105 for the Welland Ship Canal.)
(Note Regulation 113 for the Sault Ste. Marie Canal.)

Department of Transport Act—*continued*

CARE IN ENTERING AND LEAVING LOCKS

26. (1) No vessel shall attempt to enter or leave a lock until the gates are fully opened. The engines shall be stopped while the propeller wheel is passing over the mitre sills.

(2) The rate of speed of any vessel in entering a lock, when the bow of the vessel has reached the open gates, shall be such that the vessel can be moved into position by her lines alone without depending on the propeller wheel, and the engine shall be stopped when the bow of the vessel has reached the middle of the lock between the upper and lower gates, the remaining distance to be travelled by the vessel to be effected and the vessel controlled by means of lines attached to winches installed on the vessel's deck.

(3) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars.

(Note Regulation 108 for the Welland Ship Canal.)

VESSEL MEN TO ASSIST IN PASSING VESSELS

27. Whenever any vessel is passing through a lock or bridge, the vessel's crew shall, whenever and in such numbers as required by the officer in charge of such lock or bridge, be assigned to assist in working the lock or bridge to pass the said vessel through it, during which time the vessel men so assigned shall be subject to, act exclusively under, and comply with the instructions given them by the said officer. For any violation of this regulation the owner of the vessel concerned shall be liable to a penalty of not less than Two dollars and not exceeding Forty dollars.

(Note Regulation 98 for the Welland Ship Canal.)

CONTROL OF VESSELS DURING ICE CONDITIONS

28. Upon and after the formation of ice at the setting in of winter on any canal the Director may, notwithstanding the provisions of any other Regulation hereof, give priority to any vessel or refuse passage to any vessel or require any vessel to tie up for the winter at any location in the canal, and, after a date in mid-November in any year, to be announced by Notice posted at the upper and lower entrances of the affected canals, the master of any vessel shall promptly obey and comply with all instructions with respect to the movement of such vessel or its position or mooring or anchoring in the canal, given by the Director or the Superintending Engineer or the Superintendent or a despatcher appointed for the purpose of regulating and controlling the passage of vessels. Vessels lying in wait and/or wintering in a canal as a result of such instructions shall pay the wharfage, lying up and wintering charges provided for in these regulations to the same extent as if their lying in wait and/or wintering were voluntary. For any violation of this regulation the owner of the vessel concerned shall be liable to a penalty of not less than One Hundred dollars and not exceeding Four Hundred dollars.

VESSEL LINES REQUIRED

29. (1) Every vessel of two hundred registered gross tons and under navigating the canals shall be provided with at least two good and sufficient lines or hawsers, one at the bow and one at the quarter, and every vessel

Department of Transport Act—*continued*

of more than two hundred registered gross tons shall be provided with at least four good and sufficient lines or hawsers, two leading astern, one leading ahead and one abreast line. When locking, such lines shall be made fast to the snubbing posts on the bank of the canal and lock; the two lines leading astern of a vessel of more than two hundred registered gross tons, pulling evenly, shall be made fast to separate snubbing posts; each line shall be attended by one of the vessel's crew, to check the speed of the vessel while entering the lock, to prevent it from striking against the gates or other parts of the lock, and to keep it in proper position while the lock is being filled or emptied. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Twenty-five dollars and not exceeding Two Hundred dollars and the vessel shall not be permitted to pass if, in the opinion of the Director or the Superintending Engineer or the Superintendent, the lines are considered not good or insufficient.

(2) Some slight variations as to relative position in placing of lines exist on the Main Route canals. In each case the instructions of the lockmasters are to be followed.

(Note Regulation 106 for Welland Ship Canal.)

Working Off a Lee Bank

30. No vessel when blown or otherwise held on a lee bank in canal shall attempt to work herself off with her engine and wheel but shall run lines to the opposite side of the canal and heave out into the channel with her capstan. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Five dollars and not exceeding Twenty dollars.

Mooring and Fastening

31. (1) No vessel shall, whilst in any canal waters, be fastened or moored in such manner as to obstruct navigation.

(2) An order given by the Director or the Superintending Engineer or the Superintendent with regard to the position, mooring, fastening or removal of any vessel in a canal, including its basins and approaches, or with regard to the accommodation to be given by the master of such vessel to the master of another vessel shall be immediately complied with and obeyed. In the event of any such order not being complied with or obeyed within such period of time as is deemed reasonable by the Director or the Superintending Engineer or the Superintendent, the Director, or the Superintending Engineer or the Superintendent may cast off or cut away the hawsers or other fastenings of such vessel or cut away any ring or post to which such hawsers or other fastenings may be attached, and the Director or the Superintending Engineer or the Superintendent may take possession of such vessel and remove it to such point as he may see fit and he shall have the power of employing such number of men as he deems reasonable for that purpose, all at the expense of the owner of such vessel, and the owner of such vessel shall be liable for, and shall pay, all damages caused by or incidental to and costs incurred on account of any action

Department of Transport Act—*continued*

taken by the Director or the Superintending Engineer or the Superintendent under the provisions of this regulation and in addition thereto the owner of such vessel shall be liable to a penalty of not less than Five dollars and not exceeding One Hundred dollars.

Tying to Electric Transmission, Light, Telephone or Telegraph Poles

32. No vessel or raft shall, under any circumstances, place a line of any nature on any electric transmission, light, telephone or telegraph pole or iron railing situated on canal property. For any violation of this regulation the owner of the offending vessel or raft shall be liable to a penalty not less than Five dollars and not exceeding One Hundred dollars.

Berths for Vessels

33. (1) Berths for all vessels or rafts, when loading, unloading or stopping in any canal or approach thereto, will whenever necessary, be assigned by the Director or the Superintending Engineer or the Superintendent.

(2) Such officer shall have power to change such berths, from time to time as he may see fit.

(3) If the wharves are full, such vessels or rafts shall lie where indicated by such officer until a berth has been so assigned.

(4) In the event of any refusal or neglect to comply promptly with such directions as are given by such officer as to the location of such berths, or in the event of any attempt to remove or of the forcible removal of any vessel or raft from the berth assigned to it by such officer, without his permission, the owner of the vessel or raft concerned shall be liable to a penalty of not less than Five dollars and not exceeding One Hundred dollars.

Top Wharfage, Side Wharfage and Storage Charges

34. (1) Except on the Rideau and St. Peters Canals, Top Wharfage Charges shall be levied on all goods loaded on or unloaded from vessels in a canal at the rates for such charges set out in subsection (3) subject to the exceptions below lettered (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) applicable to all canals and the exceptions below lettered (*g*) and (*h*) applicable to the Lachine Canal only,

(*a*) Top Wharfage Charges shall be levied but once on goods loaded on and subsequently unloaded from vessels, or unloaded from and subsequently loaded on vessels, at the same point in a canal provided that such goods have not, in the interval, gone through any manufacturing or refining process;

(*b*) On goods which are loaded on or unloaded from vessels from or to land held under a departmental lease and which goods are owned by or carried on a vessel owned or chartered by the lessee, Top Wharfage Charges in any calendar year shall be levied at

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only fifty per cent of the rates set out in subsection (3) until the amount of Top Wharfage Charges so levied in such year on such goods shall equal one-third of the yearly rent for the land held under such lease and thereafter in such year Top Wharfage Charges on such goods shall be levied at one hundred per cent of the rates set out in the said subsection (3) provided that, for the purpose of this regulation,

(i) If in any such lease, the yearly rent for the land is not specifically stated, the yearly rent for such land shall be determined by the Director;

(ii) The yearly rent for the land held under such lease shall be deemed to be the rent for such land as may accrue within the calendar year concerned;

(iii) Two or more leases to the same lessee shall be considered as one lease if such leases cover parcels of land which are contiguous or separated only by land used for highway or railway purposes and if all such parcels of land are used in connection with the same business, all as determined by the Director;

(iv) Sublessees under subleases consented to by the Minister shall be considered to be lessees of the Department and the division of the yearly land rental under the departmental lease as between the original lessee and the sublessee or sublessees or as between the sublessees shall be as determined by the Director.

(*c*) Top Wharfage Charges shall not be levied on goods which are unloaded from or loaded on to vessels to or from land held under a departmental lease or by means of facilities operated on canal land by virtue of a lease and which goods are to be used on a vessel as ship's stores or fuel, but each lessee under such a lease shall keep deposited with the Department a security deposit in such amount as shall be determined from time to time by the Director to be sufficient to pay Top Wharfage Charges on the goods which are so unloaded and which, in his opinion, may not be loaded on vessels for use thereon, the said security deposit to consist of:—

(i) An accepted bank cheque on a Canadian chartered bank and/or

(ii) Bonds of the Dominion of Canada and/or

(iii) Bonds of the Canadian National Railway Company or its constituent companies unconditionally guaranteed as to principal and interest by the Dominion of Canada and/or

(iv) Bonds of a surety or a guaranty company satisfactory to the Minister and in such form and terms as may be approved of by the Minister,

and the books and papers of the said lessees shall be open to inspection and audit by the officers of the Department at all times.

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(*d*) Top Wharfage Charges shall not be levied on goods loaded from or unloaded to land held under a departmental lease which provides, in effect, that such goods shall not be subject to such charges.

(*e*) Top Wharfage Charges at the rates provided for in these regulations shall not be levied on goods loaded from or unloaded to land held under a departmental lease which provides, in effect, that such goods shall be subject to Top Wharfage Charges at rates other than those established by these regulations and which does not also provide, in effect, as an alternative or otherwise, for the payment of wharfage rates, tolls or charges to be authorized from time to time by lawful authority, but on such goods Top Wharfage Charges shall be levied at the rates set out in such lease.

(*f*) Top Wharfage Charges shall not be levied under these regulations on grain and grain products determined by the Director to be destined for export out of Canada, and the books and papers of the persons and companies owning and/or handling such grain and grain products shall be open at all times to inspection and audit by the officers of the Department for the purpose of determining the destination of such grain and grain products and such persons and companies shall satisfy the Director that such grain and grain products are destined for export out of Canada.

(*g*) Subject to specific authority granted for each vessel by the Director in a written notification to the owner of such vessel and effective only for the period mentioned in such notification, in no case extending past the end of the navigation season current at the date of such notification, Top Wharfage Charges shall be levied at the rate of $8\frac{1}{2}$ cents per ton, instead of at the rates set out in paragraph (3) (*a*) of this regulation, on all goods except automobiles, trucks and vehicles with caterpillar traction loaded or unloaded on the Lachine Canal on to or from a vessel built and navigated for the express purpose of transporting package freight, running on schedule time and taking on or delivering such freight at ports en route and of whose cargo on each upbound and downbound trip at least seventy-five (75) per cent in tonnage is package freight, all as determined by the Director.

(*h*) On goods which are unloaded from vessels in the Lachine Canal and which will be loaded without delay on vessels in the Harbour of Montreal and, by reason thereof, will pay Top Wharfage Charges to the National Harbours Board or on goods which have been unloaded in the Harbour of Montreal and have, by reason thereof, paid Top Wharfage Charges to the National Harbours Board and which are subsequently, without delay, loaded on vessels in the Lachine Canal, Top Wharfage Charges shall be levied at only fifty per cent of the rates which would be in effect under these regulations except for the provisions of this paragraph.

(2) Goods transhipped from one vessel to another in a canal shall be subject to Top Wharfage Charges at the rates set out in subsection (3) and said charges shall be payable by the owner of the discharging vessel.

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(3) Top Wharfage Charges shall be levied as follows:—

(*a*) On the Lachine Canal, Soulanges Canal, Government Dams at Valleyfield, Ontario-St. Lawrence Canals and Welland Canals, except the Welland River and the Cut at Chippawa, Top Wharfage Charges shall be levied at the rates set out below:—

Description	Basis	Rates (Cents) at sites providing, in the opinion of the Director	
		less than 17′ draught	17′ draught or greater
Automobiles—			
(1) Accompanied by passengers	Each	15	25
(2) Not accompanied by passengers	Each	100	150
Trucks and vehicles with caterpillar traction—			
(1) Weighing 5 tons or less	Each	100	150
(2) Weighing more than 5 tons	Each	200	300
Iron Ore—			
(1) North American	Per ton	4	5
(2) Not otherwise specified	Per ton	5	7
Iron or Steel Products—			
(1) Billets, blooms, pig and spiegeleisen	Per ton	6	8
(2) Bands, bars, hoop iron, plates, rods, sheets, skelp and strips	Per ton	8	10
(3) Machinery, ferro-alloys, piping, rails, structural shapes, tubing, and all iron and steel products not otherwise specified	Per ton	12	15
Scrap metal	Per ton	5	7
Coal—			
(1) Anthracite	Per ton	8	10
(2) Bituminous	Per ton	6	8
Coke	Per ton	6	8
Oil products not otherwise specified—			
(1) In containers	Per ton	20	25
(2) Not in containers	Per ton	7	9
Pitch and Tar in bulk	Per ton	7	9
Creosote	Per ton	10	12
Sand, gravel, broken stone and limestone blocks	Per cu. yd.	4	5½
Lumber, logs, poles, piling and ties	Per Mft.b.m.	12	15
Pulpwood, cordwood and slabs	Per cord	4	6
Grain	Per ton	3	4
Flour	Per ton	6	8
Fertilizer, organic and chemical	Per ton	10	12
Package freight (not otherwise specified)	Per ton	8	10
Bulk freight (not otherwise specified)	Per ton	4	6

(*b*) On the Trent, Murray, Carillon, Grenville, Ste. Anne, St. Ours and Chambly Canals, Top Wharfage Charges shall be levied at the rates set out below:

	Cents per ton
Package freight	4
Bulk freight, including unmanufactured timber products, but excluding oil products	2
Oil products:	
(1) In containers	20
(2) Not in containers	7

(*c*) On the Sault Ste. Marie Canal Top Wharfage Charges shall be levied at the rates set out below:—

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Automobiles, Trucks and vehicles with caterpillar traction:

	Cents each
(1) Weighing 5 tons or less	100
(1) Weighing 5 tons or less	100

(4) Side Wharfage Charges shall be levied, after a period of ninety-six hours on the Welland Ship Canal and of forty-eight hours on the other canals, on a vessel lying in wait, lying in wait and loading or lying in wait and unloading goods in a canal, either at a wharf, dock or elsewhere, at a rate of one-half ($\frac{1}{2}$) cent per registered gross ton per twenty-four hours or portion thereof and these charges shall be in addition to Top Wharfage and Storage Charges on goods loaded or unloaded. No vessel shall so occupy a berth for a period of more than ninety-six hours on the Welland Ship Canal or of more than forty-eight hours on the other canals without permission in writing of the Director or the Superintending Engineer.

(5) Top Wharfage and Side Wharfage Charges shall be payable to the officer appointed to collect such charges and shall be paid by the owner of the vessel or by the owner of the goods prior to the time the vessel leaves the canal, or, if so authorized by the Director, by the owner of the vessel or by the owner of the goods within twenty days after the date of the Department's account for such charges, and shall be recoverable with costs from the owner of the vessel or the owner of the goods.

(6) (*a*) No goods shall be deposited on or occupy any portion of a Restricted Area. For any violation of the provisions of this paragraph the owner of the goods shall be subject to a penalty of one-half cent per day or part of a day for each square foot of such area so occupied.

(*b*) No goods shall be deposited on or occupy any portion of an Unrestricted Area except with permission in writing of, and as directed by, the Superintending Engineer or the Superintendent. For any violation of the provisions of this paragraph, the owner of the goods shall be liable to a penalty of not less than Ten dollars and not more than One Hundred dollars.

(*c*) Except as provided in paragraphs (*d*) and (*e*), Storage Charges shall be levied on all goods occupying an Unrestricted Area at the rate of one cent per square foot of the area occupied by such goods for each period of seven (7) days or portion thereof in a season of navigation and for each period of twenty (20) days or portion thereof in a non-navigation season during which the goods lie on or occupy such area. These charges shall be in addition to Top Wharfage and Side Wharfage Charges.

(*d*) No goods which are to be loaded directly on to a vessel or which have been unloaded directly from a vessel from or to an Unrestricted Area shall be liable to Storage Charges until they have occupied such area for ninety-six (96) hours if on the Welland Ship Canal, or for forty-eight (48) hours if on any other canal.

(*e*) Storage Charges on all firewood and logs occupying an Unrestricted Area on the St. Ours, Chambly, Carillon, Grenville, Ste. Anne or Trent Canals shall be levied at the rate of two cents per cord per month or part of a month.

(*f*) Storage Charges shall be payable to the officer appointed to collect such charges and shall be paid by the owner of the goods prior to the removal of such goods from canal land or, if so requested by

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the owner and authorized by the Department, within twenty (20) days after the date of the Department's account for such charges and shall be recoverable with costs from the owner of the goods.

(7) The master of any vessel entering a canal to discharge goods or leaving a canal in which goods have been taken aboard shall, immediately upon the vessel's arrival in such canal before discharging and immediately prior to the vessel's departure from such canal after loading, respectively, furnish to the officer of such canal charged with the duty of collecting Top Wharfage, Side Wharfage, Storage and other charges and dues, true and correct reports in such form as may be required by the Department specifying the goods making up the vessel's cargo on entering and on leaving the canal and showing the details of each consignment of all goods loaded or unloaded in such canal and, if so required by the Director or the Superintending Engineer, certified copies of bills of lading of each consignment and a certified copy of vessel's manifest shall also be furnished. If so authorized by the Director or the Superintending Engineer, such reports, vessel's manifest and bills of lading shall be furnished at a later date by the owner of the vessel or the owner of the goods. For any violation of the provisions of this subsection the owner of such vessel shall be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars.

(8) The quantities on which the Top Wharfage, Side Wharfage and Storage Charges shall be computed shall be based at the discretion of the Director or the Superintending Engineer on reports, vessel's manifest and bills of lading furnished by the owner of the vessel or the owner of the goods concerned. If quantities are not set forth to his satisfaction in such reports, vessel's manifest and bills of lading, the Director or the Superintending Engineer shall determine such quantities.

In the computation of Top Wharfage Charges on the following goods the weights set out below shall be used where applicable:—

Commodity	*Basis*	*Weight (pounds)*
Lumber, logs, poles and ties	per M ft. b.m.	3,300
Pulpwood	per cord	4,000
Cordwood	per cord	6,000
Oil products		
(1) Gasoline	per 270 Imp. gals	2,000
(2) Refined oil (Kerosene)	per 245 Imp. gals	2,000
(3) Crude oil	per 230 Imp. gals	2,000
(4) Fuel oil	per 225 Imp. gals	2,000
Flour	per barrel	200
Cement	per barrel	350

CHARGES ON GOODS LOADED OR TO BE UNLOADED IN A PRIVATE BASIN

35. Goods which are carried on a vessel in any canal and which have been loaded or are to be unloaded in a private basin connected with or opening from that portion of the said canal between the entrance locks thereof shall be subject to charges computed at one-quarter of the rates set out in subsection (3) of Regulation 34 and these charges shall be paid by the owner of such vessel or by the owner of the goods prior to the time such vessel leaves the canal or, if so authorized by the Director, by the

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owner of the vessel or by the owner of the goods within twenty days after the date of the Department's account for such charges, and shall be recoverable with costs from the owner of the vessel or the owner of the goods.

LOADING OR UNLOADING OTHERWISE THAN AT A WHARF

36. No vessel shall take on or discharge passengers or goods at any place other than a regular wharf, as determined by the Superintending Engineer, without the express permission in writing of the Director or the Superintending Engineer.

LOADING OR UNLOADING IN FRONT OF LEASED LOTS

37. Lessees of canal lots facing canals or basins shall, subject to the disallowance of the Director or the Superintending Engineer, have the first privilege of loading or unloading vessels on the unleased canal property fronting their respective leased lots; but the Director or the Superintending Engineer may, if he sees fit, allow any vessel to discharge on unleased canal property although fronting on leased lots.

TIME ALLOWANCE FOR LOADING AND UNLOADING OF GOODS

38. The loading and unloading of goods shall be carried out expeditiously throughout each working day, in a manner satisfactory to the Director or the Superintending Engineer or the Superintendent. Vessels that have ceased discharging or loading, from any cause, shall not be entitled to retain their berths. Goods unloaded shall be at once carted or removed to a point clear of the canal wharves and banks.

PILING GOODS ON UNLEASED LAND

39. Goods placed on unleased canal land shall be piled as directed by the Director or the Superintending Engineer or the Superintendent.

OBSTRUCTION OF THOROUGHFARE

40. No goods shall be placed on the canal wharves or lands so as to obstruct any thoroughfare, or hinder free passage for teams and vehicles along the front of such wharves or lands; nor shall goods, except with the permission, in writing, of the Director or the Superintending Engineer, be loaded or unloaded at any lock. For any violation of this regulation the owner of such goods and the owner of the vessel from which they were unloaded or to which they are to be loaded shall each be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars. All goods so placed shall be removed forthwith by the owner or person in charge thereof, upon the order of the Director or the Superintending Engineer or the Superintendent, to that effect and, in case of non-compliance with any such order, such owner or person in charge shall be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars.

GOODS LEFT ON THE WHARVES OR CANAL PROPERTY BEYOND TIME LIMIT

41. (1) In the event of violation of any of regulations 38, 39 or 40, or any part of them, the Director or the Superintending Engineer or the Superintendent may remove or cause to be removed any goods, or things, remaining on the wharf or canal land longer than permitted by these regulations, to any place that he sees fit, and such removal shall be made at

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the costs and charges of the owner of such goods or things, or of the owner of the vessel from which they were unloaded, or to which they are to be loaded, and such costs and charges, and any further reasonable costs and charges in respect thereof, and the costs and charges of the custody and safe-keeping of the same, and all penalties incurred in respect thereof shall be a lien upon such goods and things, and such goods and things shall not be delivered to or removed by any person whomsoever until all such costs, charges and penalties are paid; and notwithstanding such removal by or on the orders of the Director or the Superintending Engineer or the Superintendent, such goods and things shall continue to be at the risk of the owner thereof.

(2) If within thirty days after any such removal by or on the order of the Director, or the Superintending Engineer or the Superintendent, the costs and charges thereon and all penalties due in respect thereof be not paid, the Director or the Superintending Engineer may sell by public auction and after notice to the owner, such goods or things and apply the net proceeds of such sale in payment or part payment of such costs, charges and penalties, as the case may be, and the balance owing to the Department, if any, shall be recoverable with costs from the said owners; the surplus net proceeds, if any, of such sale, after the payment of such costs, charges and penalties, as the case may be, shall be paid to the said owners.

Wintering and Lying Up

42. No vessel shall winter or lie up in any canal without permission in writing of the Director or the Superintending Engineer or the Superintendent; and even though such permission be granted, all risk and responsibility of the vessel, and any damage it may sustain, shall rest with the owner, whether such damage occur through the drawing off of the water from the canal for repairs with or without notice, fluctuations of the water level, or any other reason or cause whatsoever.

Wintering and Lying Up Charges

43. (1) The owner of any vessel wintering in a canal for the whole or any portion of a non-navigation season shall pay Wintering Charges at the following rates per vessel for such period:—

(*a*) On the Lachine, Soulanges, Cornwall, Williamsburg, Welland Ship, Third Welland, Second Welland, Grenville, Ste. Anne, St. Ours and Murray Canals and at the Government Dams at Valleyfield—One Dollar plus Ten Cents for each Ten tons in excess of Ten tons gross tonnage.

(*b*) On the Trent Canal—as specified in the "Special" regulations applicable to such canal.

(*c*) On the Rideau, Carillon and Chambly Canals—

(i) In Locks—Twenty-five dollars.

(ii) In any basin, artificial cut or reach from which the water is withdrawn during the winter—Ten dollars.

(iii) On other canal lands—Five dollars.

(*d*) On canals not included in paragraphs (*a*), (*b*) or (*c*), no Wintering Charges shall be levied.

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(2) The owner of any vessel lying up in a canal shall pay Lying Up Charges at the following rates:—

(*a*) On the Welland Ship, Third Welland and Second Welland Canals—Two (2) cents per ton of the vessel's gross tonnage per thirty (30) days or part thereof.

(*b*) On the Lachine, Soulanges, Cornwall, Williamsburg, St. Ours, Chambly, Carillon, Grenville, Ste. Anne and Murray Canals and at the Government Dams at Valleyfield—One and one-half ($1\frac{1}{2}$) cents per ton of the vessel's gross tonnage per thirty (30) days or part thereof.

(*c*) On the Trent Canal—as specified in the "Special" regulations applicable to such canal.

(*d*) On the canals not specified in paragraphs (*a*), (*b*) or (*c*), no Lying Up Charges shall be levied.

(3) The owner of the vessel concerned shall pay to the Superintending Engineer Wintering Charges in advance and Lying Up Charges prior to the vessel leaving its lying up berth except that, if so authorized by the Department, these charges shall be paid by the owner within twenty (20) days after the date of the Department's account for such charges.

(4) In addition to the payment of Wintering Charges as herein provided for, the owner of any vessel being moved into a wintering berth shall be liable for all damages to canal property occasioned by, incidental to or resulting from such movement.

Building, Repairing and Breaking Up of Vessels

44. (1) No person shall build, repair or break up any vessel in any basin or artificial reach of any canal or on canal lands or prepare material thereon for any such purpose, except with the written permission of the Director or the Superintending Engineer, and then only at such place and during such period and upon such conditions as are specified in such written permission and at the charges specified in this regulation and, in the event of failure to have such work upon such vessel completed and the vessel removed within the time specified in such written permission, such vessel may be removed, sold or otherwise dealt with in the same manner as provided for in Regulation 45 hereof with respect to vessels abandoned, sunken, lying ashore or grounded in any canal.

(2) Except as otherwise provided in special regulations applicable to the particular canal specified, and unless varied in the written permission required under the provisions of subsection (1), charges shall be levied on all vessels being built, repaired or broken up in any basin or artificial reach of any canal at the following rates:

(*a*) During any navigation season,—

(i) If within a lying-up area, the rates provided for in Regulation 43 (2) for Lying Up Charges.

(ii) If not within a lying-up area, the rates provided for in Regulation 34 (4) for Side Wharfage Charges.

(*b*) During any non-navigation season—Five dollars for vessels of up to One Hundred (100) tons gross tonnage and Five cents for each ton additional, which rates shall be inclusive of the rates for Wintering Charges.

(3) In all cases of building, repair or breaking up of vessels or rafts on canal property such vessels or rafts shall be at the risk of the owner.

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(4) For any violation of this regulation the owner of the vessel concerned and the person in charge of such building, repair or breaking up shall each be liable, in a case involving the building or repair of a vessel, to a penalty of not less than Four dollars and not exceeding Eighty dollars and, in a case involving breaking up of a vessel, to a penalty of not less than Ten dollars and not exceeding Two Hundred dollars.

(See Regulation 114 for the Rideau Canal).
(See Regulation 121 for the Trent Canal).

REMOVAL OF ABANDONED AND SUNKEN VESSELS, RAFTS AND THINGS

45. The Director or the Superintending Engineer or the Superintendent may remove or destroy, by explosive or otherwise, with or without notice, any vessel, raft or thing abandoned, sunken, lying ashore or grounded in any canal or canal waters or channel under the control of the Department, or by or through which navigation is or is likely to be impeded or rendered dangerous or difficult, or by or through which the use of any portion of the canal property is or is likely to be obstructed, and may sell, by public auction and after notice to the owner, such vessel, raft or thing, together with the cargo therein or thereon and apply the proceeds of such sale for payment of or reimbursement for the expenses incurred by him in the removal, destruction or sale of such vessel, raft or thing; and if the net proceeds of such sale are not sufficient to meet such expenses, the amount of the deficiency, or, if, in the opinion of the Director or the Superintending Engineer or the Superintendent, there be nothing of value to be sold, the whole amount of the said expenses shall be recoverable, with costs, from the owner or person in charge of such vessel, raft or thing and/or from the owner of any vessel which was used to move such vessel, raft or thing in the canal; and the owner or person in charge of such vessel, raft or thing and/or the owner of any vessel which was used to move such vessel, raft or thing in the canal shall be liable to a penalty not exceeding Two Hundred dollars.

EXPLOSIVES, DANGEROUS CARGO, OIL PRODUCTS, ETC.

46. (1) No vessel whose cargo consists in whole or in part of high explosive or dangerous goods, such as dynamite, nitro-glycerine, gun powder, blasting caps, detonating fuses, corrosive liquid, oxidizing material, etc., shall pass through any portion of any canal unless and until written authority therefor is given by the Minister and then only subject to such conditions and restrictions as by such written authority are laid down. For any violation of this regulation or for any failure to comply with any of the conditions so laid down the owner of the offending vessel shall be liable to a penalty not exceeding Four Hundred dollars.

(2) No such high explosive or dangerous goods shall be brought on, carried over or through or stored or used on canal land unless and until written authority therefor is given by the Minister and then only subject to such conditions and restrictions as by such authority are laid down. For any violation of this provision or for any failure to comply with any of the conditions so laid down the owner and the person in charge of such high explosive or dangerous goods shall each be liable to a penalty not exceeding Three Hundred dollars.

(3) Vessels employed in carrying explosives and/or dangerous goods and/or flammable goods, such as fuel oil, crude oil or gasoline, shall whether loaded, partly loaded or empty, whether under way, lying in wait,

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lying in wait and loading or lying in wait and unloading, observe and fulfil all requirements from time to time of the Director or the Superintending Engineer or the Superintendent pertaining to the loading, unloading and/or carriage thereof in canal waters. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of Two Hundred dollars.

(4) On oil tankers and similar vessels which, from time to time, carry flammable liquids on, in or through any canal and which are not equipped with fixed timber fenders, there shall be provided and placed, when docking or locking, a sufficient number of timber fenders between the vessel's hull and the dock or lock wall to prevent any metallic portion of such vessel from touching the side of the dock or lock wall. For any violation of the provisions of this subsection the owner of the vessel concerned shall be liable to a penalty of not less than Fifty dollars and not exceeding Two Hundred dollars.

Warning Signals on Vessels With Dangerous Cargoes

47. A vessel whose cargo consists, in whole or in part, of explosives or flammable or otherwise dangerous liquids shall fly by day a red flag and at night shall show a red light. These danger signals shall be such as to be visible all around at a distance of at least one mile and shall be displayed at the masthead or at another conspicuous position acceptable to the Superintendent. For any violation of this regulation the owner of the vessel concerned shall be liable to a penalty of not less than Fifty dollars and not exceeding Two Hundred dollars.

Rafts and Timber—Special Permission Required to Enter Canal

48. (1) Except where drives of logs are permitted under the provisions of "Special" regulations applicable to specific canals, no timber of any description (whether manufactured or unmanufactured) such as lumber, floating timber, rafting materials, ties, poles, logs, pulpwood or cordwood, not in raft, shall be taken into or be allowed or suffered to drift or get into any canal and in case any such timber does get into any canal it may be removed by canal officers at the cost and expense of the owner of such timber and the owner of such timber shall be liable for all loss and damage caused to canal works or equipment by such timber. The owner of any such timber shall also be liable for any violation of this regulation to a penalty not exceeding Twenty dollars.

(2) No raft shall be taken into or through any of the canals without permission of the Director or the Superintending Engineer or the Superintendent. For any violation of the provisions of this subsection the owner of such raft shall be liable to a penalty of Twenty dollars.

(3) In case a raft is admitted into any of the canals, it shall be governed by the following regulations:—

(*a*) A full and complete report of each raft shall be furnished, containing an account of the number of cribs, the number of pieces, description of timber, the name and designation of the owner and of the supplier thereof, together with marks and other particulars relating thereto. For any violation of the provisions of this paragraph the owner of such raft shall be liable to a penalty of not less than Twenty dollars and not exceeding Two Hundred dollars.

(*b*) No raft shall be allowed to lie unmoored in any canal, or be moored or allowed to lie in any manner across the channel to

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obstruct navigation; and every raft shall be conducted through the canal without any unnecessary delay, at such time only, and under such further regulations as may be made by the Director or the Superintending Engineer or the Superintendent.

(*c*) No raft shall approach any other raft nearer than one-eighth of a mile, except for the purpose of passing or to be moored.

(*d*) No traverse in any crib shall extend within one inch of the outer edge of the outside piece of such crib.

(4) For any violation of any of the provisions of paragraphs (*b*), (*c*) and (*d*) of subsection (3), the owner of such raft shall be liable to a penalty of not less than Ten dollars and not exceeding Forty dollars.

Mooring of Rafts

49. No raft shall be moored in or along any canal, unless it be placed under the immediate charge of one or more men as may be decided by the Director or the Superintending Engineer or the Superintendent (according to the quantity of timber it may contain). For any violation of this regulation the owner of such raft shall be liable to a penalty of not less than Ten dollars and not exceeding Forty dollars, and the Director or the Superintending Engineer or the Superintendent may place in charge of such raft one or more men as may seem to him necessary and the owner shall be liable for the expenses incurred thereby.

Authority for Mooring Rafts

50. No raft shall be, or remain, attached or secured to any wharf, or basin or its approaches, without the express permission of the Director or the Superintending Engineer or the Superintendent; and the Director or the Superintending Engineer or the Superintendent shall have the power, without any notice to any person whomsoever, to remove the same by tugs or otherwise; and such raft shall continue to be and remain at the risk of the owner thereof; and the owner shall be liable for all costs and expenses connected with such removal, including the hire of tugs.

Dropping Anchor

51. No anchor shall be dropped from any vessel in any lock or guard gate or entrance thereof or in any basin or navigation channel of any canal unless an emergency exists. The action of dropping an anchor shall be reported to the Superintending Engineer or the Superintendent immediately and the owner of the vessel shall be responsible for all damages, repairs or salvage caused or necessitated by such action. If, in the opinion of the Director or the Superintending Engineer, no emergency existed at the time of the dropping of the anchor, the owner of the vessel shall also be liable to a penalty of not less than Four dollars and not exceeding Forty dollars for violation of this regulation.

Blowing off Tubes

52. Vessels while within canal waters shall take the necessary precautions to avoid the issue of sparks or excessive smoke. No vessel shall blow off boiler tubes in any canal or harbour. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Five dollars and not exceeding One Hundred dollars and, in addition, vessels shall be held liable for damage due to issue of sparks or excessive smoke.

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Refuse

53. (1) No person shall throw, dump or deposit, or cause to be thrown, dumped or deposited any ordure, refuse, filth, garbage, dead animal, dirt, ashes, putrid substance of any kind, stones, ballast, timbers, brush or other rubbish or papers within any canal boundaries or along or over the canal banks. All papers, litter, refuse, garbage or rubbish of any kind shall be placed in cans where provided for that purpose.

(2) No person shall throw, dump or deposit garbage, ashes, paper, ordure, litter, or other rubbish from any vessel into canal waters.

(3) For any violation of this regulation the owner of the vessel concerned or the person offending shall be liable to a penalty of not less than Five dollars and not exceeding Two Hundred dollars.

Disposal of Snow

54. No person shall throw, dump or deposit, or cause to be thrown, dumped or deposited any snow or ice in any canal or on canal property except with the written permission of the Director or the Superintending Engineer and as directed by him. For any violation of this regulation the person or persons responsible shall be liable to a penalty of not less than Five dollars and not exceeding Two Hundred dollars.

Piling Wood

55. No person shall, without the permission in writing of the Director or the Superintending Engineer, pile wood or place timber, logs, stones or other materials upon the towing path or bank of any canal or basin or upon any canal or harbour ground, and no person shall roll or draw from or into any of the canals, harbours or over the side of any lock or aqueduct or over the side of any embankment, any log, timber, or other material. For any violation of this regulation the person offending shall be liable to a penalty of not less than Five dollars and not exceeding Forty dollars and he shall also be liable for the cost of repairing any damage resulting from the violation of this regulation.

Control of Water Levels

56. (1) All owners or those in charge of water power plants drawing water from a canal shall stop or shut down their gates, flumes or water wheels when so directed by the Director or the Superintending Engineer or the Superintendent; and they shall not at any time draw down the water below or raise it above such level as may be specified by the Director or the Superintending Engineer or the Superintendent. For any violation of the provisions of this subsection the person offending shall be liable to a penalty of not less than Five dollars and not exceeding Two Hundred and Fifty dollars.

(2) The Director or the Superintending Engineer may raise or lower the levels of canal reaches and of natural and reservoir lakes utilized as canal reaches or whose waters are utilized for the maintenance of water levels in canal reaches such amounts as he considers necessary or advisable for canal purposes.

Department of Transport Act—*continued*

INTERFERENCE WITH WATER SUPPLY AND CANAL WORKS

57. No person, except owners or users of water power privileges duly authorized, or persons authorized by the Director or the Superintending Engineer or the Superintendent, shall open or shut any of the gates or sluices of any of the locks, waste weirs or dams, or draw down or raise the water level of a canal by any means whatever, whether for the supply of water for machinery, or for any other purpose; nor shall any person in any manner interfere with any of the locks, bridges, waste weirs, dams, or other canal works or property unless by consent of, and under the direction of the officer or employee in charge of the same. For any violation of this regulation the person offending shall be liable to a penalty of not less than Five dollars and not exceeding Two Hundred dollars.

INJURY AND DEFACING OF CANAL PROPERTY

58. No person shall climb, break, cut, trample upon, remove or in any way injure or deface any ornament, tree, plant, shrub, flower, flower-bed, turf, sign, seat or any of the fences, bridges, buildings, booms, or other constructions within any canal boundaries; nor shall any person write upon any fence, bench, seat, rock, stone or structure.

ANIMALS AT LARGE

59. No horse or other animal or fowl shall be allowed to go at large within any canal boundaries, except that dogs may be allowed therein, if accompanied by and under control of their owners. No animal shall be tied to any tree, shrub or structure whether movable or immovable, within any canal boundaries, except as provided for that purpose.

FIREARMS, OFFENSIVE WEAPONS, FIREWORKS AND FIRES

60. Unless holding a lawful permit for the possession of firearms, no person shall carry any gun, pistol, or other firearm, and, in any case, any offensive weapon within any canal boundaries. No person shall fire or discharge any firearm, torpedo, rocket or other firework within any canal boundaries without the written permission of the Director or the Superintending Engineer. No person, unless under the supervision of an employee, shall kindle or build any fire on canal lands except the holder of a valid lease or licence covering such lands.

CONSTRUCTION WORK ON CANAL PROPERTY

61. No driveway or footpath shall be constructed upon canal property, nor shall any person open, dig up, drill, bore or tunnel under any part of the canal system, nor shall any person dig, drill or bore a well for water or other purpose upon canal property, nor shall any person remove any house or building on, along or across any part of the canal system, except under written permit from the Director or the Superintending Engineer.

TRESPASS

62. No person shall enter canal lands where "No Admittance" signs are posted, except by permission of the Superintending Engineer. No person shall stand, walk or lie nor shall any person drive, ride or park any vehicle or animal upon any place where a warning or sign forbidding such action has been placed.

Department of Transport Act—*continued*

ENTERING CANAL RIGHT OF WAY

63. No animal, vehicle or person shall enter or leave canal property except at established entrance and exit ways. Any person or persons within canal limits between sunset and sunrise shall state their business, if required to do so by the officer or employee on duty at the time. For any violation of this regulation the owner of the animal or vehicle, or the person offending, shall be liable to a penalty of not less than Four dollars and not exceeding Twenty dollars.

USE OF ROADS, TOWPATHS, PATHWAYS AND GROUND

64. (1) The use of canal roads, towpaths, pathways and grounds shall be subject to the instructions and order of the Director or the Superintending Engineer or the Superintendent. No animal or vehicle shall travel within the canal limits, except upon roads, towpaths, or other places designated for such animals and vehicles, nor shall any animal or vehicle stand on any roadway except at such places as the Director or the Superintending Engineer or the Superintendent may designate for such purpose. For any violation of the provisions of this subsection the owner of the animal or vehicle, or the persons offending shall be liable to a penalty of not less than Five dollars and not exceeding Twenty-five dollars.

(2) The use of canal roads, towpaths or other places designated for animals and vehicles shall be at the sole risk of the owner of such animal or vehicle, and persons using canal roads, towpaths, pathways or grounds shall do so at their own risk. The Department shall not, either directly or indirectly, be held responsible or liable for any injury or damage that may occur to any animal, vehicle, person or property on any canal roads, towpaths, pathways or grounds.

SPEED ON ROADWAYS

65. No horses, bicycles, vehicles, motorcycles, automobiles or motor trucks shall be driven or run along or over the roadways within the limits of any canal at a higher rate of speed than 35 miles per hour, or such lesser rate of speed as may from time to time be fixed by the Director or the Superintending Engineer or such other lawful authority as may have jurisdiction in this respect over any such roadway; provided, however, that no person shall drive along or over the roads of any canal at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of such road or so as to endanger the life or limb of any person or the safety of any property.

INTERFERENCE WITH BRIDGE APPROACH CLOSING APPLIANCES

66. No person shall in any way interfere with any gate, chain, rope or other appliance made use of in the closing of a street or roadway at either end of a canal bridge or crossing nor, except with the consent or under the direction of the officer or employee in charge thereof, attempt to pass such appliance unless the same is fully open; and any person who violates this regulation shall be liable to a penalty of not less than Five dollars and not exceeding Fifty dollars.

Department of Transport Act—*continued*

HIGHWAY TRAFFIC AT BRIDGES

67. (1) Vehicles approaching canal bridges shall be driven in the proper traffic lane and shall not turn out of such lane against opposing traffic or attempt to pass any safety gate or chain or other appliance for the closing of a street or roadway when such gate or appliance is not fully opened.

(2) Vehicles shall not pass a red light nor a mechanical flag-man, wigwag or other such warning sign when such warning sign is in motion.

(3) Vehicles approaching a bridge which is closing or closed shall not draw up on either side of a vehicle already waiting to cross such bridge.

DRIVING OVER BRIDGES

68. No person shall drive any automobile at a faster speed than 15 miles per hour, any motor truck or bus at a faster speed than 10 miles per hour, or any horse or cattle at a faster rate than a walk over any canal bridge on which a notice is placed to that effect, and any person driving an automobile, motor truck, bus, horse, cow or other animal over a canal bridge shall keep it to its proper traffic lane and shall not turn out of such lane against approaching traffic. For any violation of this regulation the person offending and the owner of the automobile, truck or bus shall be liable to a penalty of not less than Five dollars and not exceeding Twenty-five dollars.

HEAVY TRAFFIC ON BRIDGES

69. No traction engine, road roller, movable crane, tractor, threshing machine, motor vehicle or thing having wheels or treads with cleats, teeth, spikes, narrow rims or other devices that would deface or mar a bridge floor and no vehicle or thing which with its load, if any, weighs more than ten tons shall be taken or driven on or across any canal bridge by any person (except where a sign is exhibited on or adjoining such bridge fixing the limiting weight at other than ten tons in which case this sentence shall be taken to read as if the words fixing such limiting weight were put in place of the words "ten tons") except by permission and according to the direction of the Director or the Superintending Engineer. For any violation of or attempt to violate this regulation the owner or person in charge of such engine, roller, crane, machine, vehicle or thing shall be liable to a penalty of not less than Five dollars and not exceeding One Hundred and Fifty dollars. The cost of any requisite strengthening of such bridge to ensure its safety for such crossing and/or of any protection of bridge floor shall be borne by the owner or person to whom such permission has been granted and, notwithstanding such permission, the crossing of such bridge shall be, in any case, solely at the risk of the said owner or person, and he shall be liable for all damages that may result by reason of such crossing.

(Note Regulation 99 for Welland Ship Canal.)

CONTROL BY CANAL OFFICERS

70. The lockmaster, bridgemaster, marine railway operator or dam-keeper on any canal shall, subject to any directions given by the Director or the Superintending Engineer or the Superintendent, be in direct charge of the lock, bridge, marine railway or dam works at the point at which

Department of Transport Act—*continued*

he may be stationed and be held to occupy a responsible and representative position both towards the public users of the canal and towards the lockmen, bridgemen, or other employees at the point and his instructions, conformable to these regulations and the above referred to directions both in respect of the traffic and of the discipline of the other canal employees under him are to be carried out. He will report at once to his superior officer any violation of these regulations or disobedience or neglect of his orders. In the case of an employee, such disobedience or neglect of orders shall render the employee offending liable to a penalty not exceeding Fifty dollars and to suspension or dismissal as may be determined by the Director or the Superintending Engineer or the Superintendent.

Distinguishing Items of Dress to be Worn by Canal Employees

71. Caps, badges or other distinguishing mark of official position shall be worn by such canal employees, while on duty, as may be directed.

Interference with Officials

72. (1) Any person who shall interfere with or obstruct or who shall aid any other person in interfering with or obstructing any canal officer or employee while in the execution or performance of his duties shall be liable to a penalty of not less than Twenty dollars and not exceeding Two Hundred dollars.

(2) Any person who shall use profane or abusive language to any canal officer or employee while in the execution or performance of his duties shall be liable to a penalty of not less than Five dollars and not exceeding Fifty dollars.

Use of Intoxicating Liquors and Abusive Language

73. (1) No canal officer or employee shall drink spirituous or malt liquor or appear in an intoxicated condition or under the influence of liquor during the time he is on duty.

(2) No canal officer or employee, while within the canal boundaries or on canal property, shall use profane or abusive language.

(3) For any violation of this regulation the officer or employee concerned shall be liable to a penalty not exceeding Fifty dollars and to suspension or dismissal as may be determined by the Director or the Superintending Engineer or the Superintendent.

Officers and Employees Not to Engage in Business

74. No officer or employee shall, without written permission from the Minister, furnish any team, vessel, vehicle, motor vehicle, material or other thing for the use of the public or of any canal; nor shall he employ or contract for the same when owned by any member of his family or by any other canal officer or employee; nor shall he employ any member of his family on the canal, nor use any team, vessel, vehicle, motor vehicle, material or other thing belonging to the public for any private use or purpose. And no officer, or employee, shall, either directly or indirectly be interested in any contract for any labour, material or other thing connected with the canals; nor shall he keep or be in any way interested in any hotel, tavern or store nor shall he sell or be interested in the sale of fuel, ice or other goods to persons navigating or travelling on any canal,

Department of Transport Act—*continued*

and he shall not, either directly or indirectly, derive any benefit from the expenditure on the canals beyond his established remuneration, nor shall he obtain, for himself or for any other person, by barter, purchase, gift or otherwise any wheat or other grain or any gasoline or other oil product or any other thing of monetary value from any vessel or raft using the canal.

Swimming and Bathing

75. No person shall swim or bathe within any area of any canal as may be indicated by a notice, there set up, prohibiting swimming or bathing.

Conduct and Language of Visitors

76. No person within any canal boundaries shall utter loud, threatening, abusive or indecent language, or any language tending to create a breach of the peace, or conduct himself or herself in an indecent, obscene or disorderly manner, or wilfully violate any directions for visitors.

Gambling

77. No person shall operate a gambling device or participate in games of chance within any canal boundaries.

Intoxicated Persons

78. No intoxicating liquors or beverages shall be brought or caused to be brought or drunk within the limits of any canal nor shall any intoxicated person enter or remain upon any portion of any canal.

Picnics

79. All picnics, regattas and water carnivals within any canal limits shall be under the supervision of some person or persons authorized by the Director or the Superintending Engineer or the Superintendent and may be held in such places only and at such times as such officer may allow. The canal authorities shall not either directly or indirectly be held responsible or liable for any injury or damage that may occur to any person, persons or property while on any canal grounds.

Care of Children

80. No child under ten years of age shall bathe, fish or play along any canal banks, or about the locks and bridges unless accompanied by and in charge of some person of mature years.

Lost and Found

81. The canal authorities shall not be held responsible for the value of any goods, money or other articles that may be lost, misappropriated or stolen while bathers, excursionists or other visitors are within any canal limits. Any person finding an article lost within the canal limits shall immediately deliver the same to the nearest lockmaster or bridgemaster.

Sales of Wares

82. It shall be unlawful for any person or persons to expose or cause to be exposed any articles or things for sale, to do any hawking or peddling, to distribute dodgers, or to erect for any purpose a booth, tent, stall or

Department of Transport Act—*continued*

other structure on any canal property; provided that nothing in this regulation contained shall be construed to prevent the carrying on of any business or enterprise sanctioned by lease, licence or permit from the Department.

Soliciting Contributions

83. No person shall within the limits of any canal beg or tell fortunes, solicit patronage to or for any person or persons or business, nor shall any person within the canal limits beg, solicit or invite subscriptions to or for anything whatsoever without written permission of the Director or the Superintending Engineer.

Advertising

84. No placard, notice or advertisement of any kind or nature shall be posted or attached to anything movable or immovable within the limits of any canal system save under permission or permit from the Director or the Superintending Engineer. No person shall injure, deface or destroy any notice, rule or by-law posted on canal property.

Throwing Coins

85. The master of a vessel within the limits of any canal shall not allow passengers or employees on such vessel to throw coins, money or things of any description to persons along a lock or canal. For any violation of this regulation the owner of such vessel shall be liable to a penalty not exceeding Twenty-five dollars.

Penalties

86. For any violation of Regulations Nos. 58 to 62 or 75 to 84 inclusive, the person offending shall be liable to a penalty of not less than Two dollars and not exceeding Twenty-five dollars.

SPECIAL RULES AND REGULATIONS APPLICABLE ONLY TO THE PARTICULAR CANAL SPECIFIED

(Note Regulation 6)

LACHINE CANAL

17-Foot Navigation

87. The parts of the Lachine Canal in which 17-foot navigation is available include the following:

(*a*) East Lock 1 and Basin 1 when the gauge at the downstream end of East Lock 1 reads 17·25 feet or higher.

(*b*) East Lock 2 and along the west wall of Basin 2 from Lock 2 to Colborne Street.

(*c*) Along the east and south wall of the canal from Lock 2 to about 500 feet below Lock 3 (including Wellington Basin).

Department of Transport Act—*continued*

Signal Lights

88. At the lower entrance to No. 1 Locks vessels shall keep clear of the entrance while the signal light shows red or when no light is shown.

(Note Regulation 24)

Berths for Vessels in Basin No. 2

89. No vessel shall tie up along the East side of Basin 2 with her stem closer to Lock 2 than the sign marked "Limit of Approach". For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

(Note Regulation 33.)

Overhead Clearance

90. No vessel having masts extending 90 feet or more above water level shall travel between Locks 2 and 3 of the Lachine Canal unless and until the owner thereof has furnished the Director or the Superintending Engineer or the Superintendent with authentic information concerning the height of such vessel's masts with respect to the vessel's draught markings. No vessel shall move on the said portion of the Lachine Canal with masts extending more than 94 feet 8 inches above water level. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

Closing Down Mill Sluices

91. Should it become necessary at any time, except at the hours of 8 a.m. and 1 p.m., to open up partially or wholly, or, except at the hours of 12 noon and 5 p.m., to close down partially or wholly, the sluices or other means of controlling water at any of the water power plants drawing water from the canal for power purposes, the owner or person in charge of such plant shall notify the Superintendent's office to that effect at least 15 minutes before such opening up or closing down; and in default of such notice such owner or person in charge shall be liable to a penalty of Twenty-five dollars.

(Note Regulation 56.)

Priority Between Locks 2 and 3

92. When two vessels are heading upstream out of East and West Locks No. 2 at the same time, the vessel in the West Lock shall have preference to take the lead. For any violation or attempt to violate this regulation the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding One Hundred dollars.

CORNWALL CANAL

Wintering and Lying-up

93. The charge for building or repairing or laying up any vessel in the repair dock at Cornwall shall be as follows:

For the season of navigation—

For vessels of over 500 gross tons—

3c. per gross ton per day or part thereof.

Department of Transport Act—*continued*

For vessels of 500 gross tons and under—
9c. per lineal foot length per day or part thereof.
For the non-navigation season—
For vessels of over 500 gross tons—
$400.00 each.
For vessels of 500 gross tons and under—
$\frac{1}{3}$c. per lineal foot length per day or part thereof.

Signals of Approach in Cornwall Canal

94. (1) Downbound vessels approaching the signal light about 400 yards upstream from the Guard Gate shall be governed by such signal light. When the light shows green the first vessel in line may pass; when the light shows flashing red such vessel may pass but must be prepared to tie up if the Guard Gate is not prepared to receive her; when the light shows steady red or when no light is showing no vessel shall pass unless otherwise directed by the lockmaster.

(2) No vessel shall enter Lock 20 or the Guard Gate while the semaphore arms are displayed or when the light on the semaphore shows red. When the light shows green or when the arms are not showing the vessel may proceed.

(3) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

(Note Regulation 24.)

WELLAND CANALS

Statistical Information

95. Statistical offices for the Welland Ship Canal are located on the west side of Lock 1 at Port Weller and on the west side of Lock 8 at Port Colborne, and for the Third Canal at Lock 1, Port Dalhousie.

Printed copies of the "Canal Rules and Regulations" and pamphlets entitled "Speed of Vessels in the Canal" and Welland Ship Canal "Notices to Mariners" are available in the statistical offices. It shall be incumbent upon owners and masters of vessels on the canals to be in possession of, and thoroughly familiar with, these various regulations.

Wintering and Lying-Up

96. (1) Vessels wintering between Lock 8 and the railway bridge at Port Colborne shall vacate their winter berths as soon as the canal is open for traffic at the opening of navigation except those on the west side of the Third Canal which now forms the approach to the Supply Weir.

(2) The rates or charges levied for the Services of the Department's canalmen, as set out in Regulation 98 hereof, against vessels for the passage through Lock 8 immediately prior to and immediately after wintering or lying up in the discharge channel from the supply weir at Humberstone immediately below Lock 8, will be allowed to apply on Wintering or Lying-up charges imposed under these regulations, when such vessels have come directly from Lake Erie before wintering or lying-up and are returning directly to Lake Erie after wintering or lying-up.

Department of Transport Act—*continued*

CANALMEN SUPPLIED BY THE DEPARTMENT—CHARGES FOR SAME

97. For the services of the Department's canalmen who shall handle on the walls at all locks on the Welland Ship Canal, under the direction of the lockmasters, the vessel lines passed to them by the vessel crews during the operation of locking, rates or charges shall be levied against every vessel entering the locks of the Welland Ship Canal, (except vessels owned and operated by governments and vessels owned and operated by contractors of the Department, or their agents, in connection with canal construction or maintenance work, and vessels which for reasons of safety are directed by the lockmasters to pass through Lock 8 in order to turn around rather than endeavour to back out from the entrance to such lock), and shall be payable in advance in cash by the master of the vessel to the officer in charge for the time being of the statistical office at Port Weller or Port Colborne, or, if so authorized by the Department, shall be payable by the owner of the vessel at a later date, as follows:—

(*a*) For each one-way passage through all the locks of the said canal, vessels not exceeding such dimensions (approximately from 254 to 262 feet maximum overall length) as may permit their locking through the present canals on the St. Lawrence River, a rate or charge of Fifteen dollars; all other vessels, a rate or charge of Thirty dollars.

(*b*) For each one-way passage through one or more but not all of the locks of the said canal, half the rates or charges set out in paragraph (*a*), and the full fee for the round trip will be collected at the port of entry.

(*c*) On vessels which are not self-propelled, being towed in the said canal, the foregoing rates or charges shall be based on the overall length of the vessel being towed, and no rate or charge will be made against the tug or tugs doing the towing of such vessels.

(*d*) Yachts, small boats, or canoes, which are fastened together securely, may be locked through the said canal at the charge of a single vessel.

CHARGES FOR VISITS OF FIRE-FIGHTING EQUIPMENT

98. (1) When the services of fire fighting personnel and equipment are furnished to a vessel in the Welland Ship Canal within the limits of the township of Grantham and His Majesty is liable for payment of the costs of such services, the owner of the vessel involved shall repay to His Majesty the amount of such costs, not exceeding in any particular case the sum of two hundred and fifty dollars.

(2) The owner or master of the vessel shall pay the amount of such costs to the Superintending Engineer before the vessel leaves the canal, and all such costs shall constitute a debt due and payable to His Majesty, recoverable with costs from the owner.

TRAFFIC OVER MOVABLE BRIDGES

99. (1) No vehicle, machine or thing, having a gross weight in excess of the following, shall be moved upon wheels, rollers or otherwise over or upon any movable bridge over the Welland Ship Canal unless a special permit has been issued to the owner of the said vehicle, machine or thing by the Director or the Superintending Engineer:—

(*a*) The gross weight of a vehicle of four wheels with two axles spaced more than 8 feet apart shall not exceed 24,000 pounds and the weight upon one axle shall not exceed 15,000 pounds;

Department of Transport Act—*continued*

(*b*) The gross weight of a vehicle of six wheels so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed 30,000 pounds and the weight on one axle shall not exceed 15,000 pounds;

(*c*) The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed 16,000 pounds and the weight upon one axle shall not exceed 12,000 pounds;

(*d*) The gross weight of a vehicle, other than those mentioned in the preceding clauses, shall not exceed 20,000 pounds and the weight upon one axle shall not exceed 15,000 pounds. If axles are spaced less than 8 feet apart the weight on one axle shall not exceed 12,000 pounds.

(2) For any violation of or attempt to violate this regulation the owner or person in charge of such vehicle, machine or thing shall be liable to a penalty of not less than Five dollars and not exceeding One Hundred and Fifty dollars.

Overhead Clearances at Vertical Lift Bridges

100. No vessel having masts extending 100 feet or more above water level shall move in the Welland Ship Canal unless and until the owner thereof has furnished the Director or the Superintending Engineer or the Superintendent with authentic information concerning the height of such vessel's masts with respect to the vessel's draught markings. No vessel shall move in the Welland Ship Canal with masts extending more than 117 feet above water level. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

Vessels in Tow

101. (1) No tug shall, without permission in writing of the Director or the Superintending Engineer or the Superintendent, tow at any one time more than one vessel which is not self-propelled through any portion of the Welland Ship Canal and all conditions given or contained in such permission in writing shall be complied with. Any such vessel handled by one tug shall not be towed from in front, but shall be propelled with the tug securely tied alongside or astern in such a manner as to insure that the tug will fully control the towed vessel at all times. Vessels not self-propelled which are longer than 260 feet shall be towed through the Ship Canal by two tugs, one forward and one aft.

(2) The master of a vessel or tug arriving at Port Colborne or Port Weller with two or more vessels in tow for passage through the Welland Ship Canal shall arrange with the Director or the Superintending Engineer or the Superintendent for the mooring of such vessels of the tow which cannot immediately proceed through the canal. Each vessel so moored shall be at all times in charge of a representative of the owner, who shall obey the orders of the Director or the Superintending Engineer or the Superintendent in any matter relating to the position of the vessel and the accommodation or fastenings thereof.

Department of Transport Act—*continued*

(3) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

SPEED OF VESSELS

102. (1) The maximum speed for vessels moving in the Welland Ship Canal, subject to compliance with all other related regulations, shall be as follows:—

(*a*) For vessels not exceeding 260 feet in overall length, eight miles an hour.

(*b*) For upbound (south-bound) vessels exceeding 260 feet in overall length, seven miles an hour or such other speed, but not exceeding eight miles an hour, as the Director may from time to time direct by Notice to Mariners.

(*c*) For down bound (north-bound) vessels exceeding 260 feet in overall length, six miles an hour.

(2) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than One Hundred dollars and not exceeding Two Hundred dollars.

OVERTAKING AND PASSING OF VESSELS

103. No vessel shall attempt to overhaul any other vessel in the Welland Ship Canal, except as provided in Regulation 25 and/or as specifically directed by the Superintending Engineer or the Superintendent. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

(Note Regulation 21.)

VESSELS APPROACHING WELLAND SHIP CANAL BRIDGES

104. (1) Whistling stations, established with respect to Bridges 17 and 18 as a pair, to Bridges 20 and 21 as a pair and to other bridges over the Welland Ship Canal, are denoted by lighted signboards, 4′×5′, each bearing the letter "W", the bridge number and the distance in feet to the bridge to which they refer. These signboards are erected on the west bank of the canal at about the following locations:—

For UPBOUND traffic

3660 feet northerly from Bridges 4, 10, 11, 12, 13, 14 and 17;
2800 feet northerly from Bridges 5 and 20; and
2230 feet northerly from Bridges 15 and 16; and

For DOWNBOUND traffic

2740 feet southerly from Bridges 21 and 16;
3650 feet southerly from Bridges 18, 13, 12, 11, 10 and 8;
2230 feet southerly from Bridge 15;
3030 feet southerly from Bridge 14;
2700 feet southerly from Bridge 5; and
2900 feet southerly from Bridge 4.

Department of Transport Act—*continued*

(2) Similar lighted signboards are erected, for the information and guidance of mariners, on the west bank of the canal closer to the same bridges, each bearing the bridge number and the distance in feet to the bridge to which it refers, but distinguished from the whistling signboards by the omission of the letter "W".

(3) Every vessel approaching and desiring to pass a bridge or pair of bridges over the Welland Ship Canal, except a bridge at a lock or guard gate, and except upbound at Bridge 8, shall sound three long blasts of her whistle or horn when her stem is abreast of the whistling station for such bridge or pair of bridges. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of not less than Ten Dollars and not exceeding One Hundred dollars.

(4) A vessel, upbound or downbound, shall not proceed to pass any Welland Ship Canal bridge until such bridge is in the fully open position and the light thereon shows green and, in the case of the pairs of Bridges 17 and 18, and 20 and 21, until both bridges of the pair are in the fully open position and both showing the green light.

(5) The bridges of the Welland Ship Canal are electrically operated and, in addition, are equipped with auxiliary power, supplied by gasoline engine or by hand. Should an electrical power failure occur while a bridge is being operated, some time is required to change over to auxiliary power and, in addition, the auxiliary power provides very much slower operation.

As all railway bridges over the Welland Ship Canal are interlocked with their railway signal blocks, no power whatever is available for operating the bridge if and while a train is on the signal block.

Every vessel, therefore, when approaching any bridge which is not in the fully open position, shall be kept at such speed and under such control that the vessel may at any time be stopped well clear of the bridge.

(6) For any violation of subsections (4) or (5) the owner of the offending vessel shall be liable to a penalty of not less than One Hundred dollars and not exceeding Four Hundred dollars.

(Note Regulations 24 and 25.)

Vessels Approaching Welland Ship Canal Locks or Guard Gate

105. (1) The Guard Gate and the upper gate of Lock 7 are interlocked so that neither can be opened unless the other is closed. Therefore, masters of vessels approaching either shall do so with great caution, and shall be prepared to tie up if necessary. Dolphins are provided along the east bank of the canal between the Guard Gate and Bridge 10 for downbound vessels to lie against while waiting for the Guard Gate to receive them. No vessel shall moor against these dolphins for any purpose except to wait for the opening of Bridge 10 or the Guard Gate.

(2) Vessels downbound while waiting for Lock 7 will normally tie to the east wall between Bridges 8 and 7, but in the case of a strong beam wind, may tie to the west wall. Two vessels only of 260 feet in length or less or one larger vessel only may be tied to the east wall north of Bridge 8. On the west wall only one of any one type of vessel may be tied. Vessels may be tied to one wall only, that is, if vessels are already tied to the east wall, no vessel shall tie to the west wall as this would obstruct the channel for southbound vessels.

Department of Transport Act—*continued*

(3) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

(Note Regulation 24).

VESSEL LINES REQUIRED FOR THE OPERATION OF LOCKING

106. (1) Every vessel traversing the Welland Ship Canal shall be equipped with four lines in good condition, of sufficient length and strength so that when placed on mooring posts they shall be able to control the movement of the vessel while locking, in order to prevent damage to canal equipment or to other vessels that may be in the lock, and in order to keep the vessel in proper position when the lock is being filled or emptied. At Locks 1 to 7 inclusive, small electrically operated capstans have been installed for the purpose of hauling mooring cables from the deck of an upbound vessel to the lock coping. For upbound vessels in these locks, heaving lines shall be attached to the mooring cable about 2 feet back of the splice of the eye by means of a clove hitch. In tying up, normally the two lines leading aft shall first be placed on mooring posts by canalmen supplied by the Department, following which the two lines leading forward shall be placed by such canalmen; but in case of emergency, at the discretion of the lockmaster or by direction of the vessel's master, all lines may be placed leading aft.

(2) Self-propelled vessels—A self-propelled vessel other than a tug or yacht shall have at least three of her four mooring lines operated from winches on the vessel's deck so arranged that they may be used on either side, and each line shall be attended to on the vessel by a member of the vessel's crew who shall not operate the winch until he receives a signal from the lockmaster or canalman that the line has been placed on a mooring post.

(3) Barges, Scows, Tugs and Yachts—Barges towed or propelled by an accompanying tug and which are not equipped with deck winches, and tugs and yachts which are not equipped with deck winches, shall detail one of the vessel's crew to attend to each of the lines at the vessel's cleats or mooring bits, whose duty it shall be to take up the slack as the vessel rises or pay out line as the vessel lowers, to prevent the vessel from striking against the gate fenders, the lock gates or other vessels that may be in the lock, and to control the vessel while the lock is being filled or emptied.

(4) When preparing vessel lines for lockage operations, the lines shall be drawn off the winch drums and outward through the chocks and then laid out on the deck in sufficient length to reach easily and readily the lock mooring post on which the line is to be placed. It is necessary that sufficient slack cable be thus prepared for when insufficient slack cable has been laid out on deck for the lockage operation and that being paid out off the winch drum becomes fouled the canalman handling the free end of the mooring cable is exposed to the danger of being drawn over the face of the lock wall.

(5) Upbound and downbound vessels shall set their lines to the east wall of Locks 1, 2, 3, and 7, to the west wall of Lock 8, and to the centre wall of Locks 4, 5 and 6, but this requirement may be varied at the discretion of the Director or the Superintending Engineer or the Superintendent.

Department of Transport Act—*continued*

(6) For any violation of the provisions of subsection (1) the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Fifty dollars. For any violation of the provisions of subsections (2), (3) or (4) the owner of the offending vessel shall be liable to a penalty of not less than Twenty-five dollars and not exceeding One Hundred dollars.

Heaving Lines

107. Downbound vessels shall use their own heaving lines. In this connection the attention of vessel owners and masters is drawn to the fact that the height of lock walls, with the exception of Lock 8, is about fifty (50) feet above the level of the lower reach. This necessitates a long lead of mooring cable and consequently the use of strong heaving lines. The practice in lowering mooring cables is to take a turn with the heaving line around a mooring post. Only extra heavy heaving lines shall be used for handling mooring cables and such heaving lines shall be kept in first class condition.

Vessels Locking in Welland Ship Canal

108. (1) No downbound vessel shall proceed into a lock so far that her stem passes the STOP sign near the lower gates until the lower gates are opened. For any violation of the provisions of this subsection the owner of the offending vessel shall be liable to a penalty of Four Hundred dollars.

(2) A vessel proceeding into a lock shall put her first line ashore when passing the open lock gates and from a point 200 feet or more before her stem reaches the sign marked STOP on the lock wall near the closed gates she shall be moved into position by her lines and winches only, except that her engine may be worked astern to check her speed or stop her; the stem of any upbound vessel shall not pass the STOP sign near the upper gates until the upper gates are opened.

(3) Upbound or downbound, vessel mooring lines of the following classes shall be set in the following order and in such a manner as to keep the vessel in control:—

Line No. 2—or snub line, from the forward winch leading aft.

Line No. 4—or stern line, from the stern winch leading aft.

Line No. 1—or bow line, from the bow winch leading forward.

Line No. 3—or midship line, from the aft winch leading forward.

(4) Vessels locking together.—When two or more vessels are locking together, either upbound or downbound, the leading vessel shall conform to the rules as laid down in subsections (1), (2) and (3) and the owner of such vessel shall be liable to the penalties provided for any violation thereof. The following vessel will manœuvre to a tie-up position by means of lines and the use of her propeller working astern so as to come to a full stop a sufficient distance from the leading vessel to avoid all danger of collision.

(5) A vessel with a bow structure extending less than 12 feet above the water surface, when entering Lock 8, either downbound or upbound, shall stop before its bow has reached the transverse line of Lock 8 at the sign marked "C.L." on the lock wall. Beyond this point the vessel shall manœuvre into position only by means of its lines and winches and its bow

Department of Transport Act—*continued*

shall not pass the sign marked STOP on the lock wall. In order to avoid unnecessary delays where vessels may proceed into Lock 8 for a double or triple lockage, vessels of such low freeboard shall check or tie up to allow a vessel with a bow structure extending 12 feet or more above the water surface to precede it into the lock.

(6) While locking, either upbound or downbound, none of a vessel's mooring lines shall be cast off until the gates and fenders of the lock and the bridge (if any) at the lock are in the fully open position. A signal that the vessel may proceed will be given by the lockmaster to the master of the vessel who may then by whistle signal or otherwise issue such orders as are necessary to co-ordinate the activities of vessel and lock crews in the casting off of mooring lines.

(7) For any violation of the provisions of subsections (2), (3), (4), (5) or (6) the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

(Note Regulation 26.)

Vessel Movement

109. (1) Masters of vessels should note that strong currents towards the westward which may exert a considerable influence against passing vessels may be expected at the following points,—

(*a*) Toward the safety weir above the Guard Gate at Thorold.

(*b*) Into the Third Welland Canal north of Bridge 11.

(*c*) Toward the supply weir channel just north of Bridge 20 at Port Colborne.

(2) Vessels shall not be turned in the canal between Lock 1 and Lock 8 except at the following recognized turning basins,—

(*a*) Opposite the St. Catharines Wharf—For vessels up to 350 feet in length.

(*b*) Thorold—For vessels up to 700 feet in length.

(*c*) South of Port Robinson—For vessels up to 600 feet in length.

(*d*) Opposite the Welland Centre Wharf—For vessels up to 260 feet in length, provided that permission has first been obtained from the bridgemaster on duty at Bridge 14.

(*e*) Opposite the Welland South Wharf—For vessels up to 260 feet in length, provided that permission has first been obtained from the bridgemaster on duty at Bridge 16.

(*f*) North of Lock 8 (Rameys Bend)—For vessels up to 550 feet in length.

(3) Masters of vessels which have been tied to wharves or other sites on the Welland Ship Canal shall, before proceeding farther, obtain permission to do so from the officer in charge of the nearest canal structure or, in the following cases, from the officer in charge of the structure indicated in each case:—

(*a*) St. Catharines Wharf—from Lock 2.

(*b*) Thorold Wharf—from the Guard Gate.

(*c*) Ontario Paper Company's Wharves—from the Administration Building, Port Weller, by Bell Telephone; or from the Guard Gate by messenger.

Department of Transport Act—*continued*

(*d*) Wharf on east side of canal north of Bridge 10—from Bridge 10 by telephone or messenger.
(*e*) Welland Centre Wharf—from Bridge 14 by messenger.
(*f*) Welland South Wharf—from Bridge 16 by messenger.
(*g*) Wharf on east side of canal north of Lock 8—from the Administration Building at Lock 8 by Bell Telephone or from Lock 8 by messenger.
(*h*) Leased areas east of Thorold Turning Basin—from the Administration Building, Port Weller, by Bell Telephone or from Lock 7 by messenger.

(4) Masters of vessels which have tied up to the canal bank shall report such action to the officer in charge of the nearest canal structure without delay and shall, before proceeding farther, obtain permission to do so from such officer.

(5) Masters of vessels, upbound, who intend to stop at the bunker wharf on the east side of the canal north of Lock 8, shall notify the lockmaster of Lock 7 before leaving that lock so that the lockmaster at Lock 8 may be notified.

(6) Masters of vessels intending to lighten at the Prescott Elevator shall notify the clerk on duty at the Administration Building, Port Weller, before leaving the Welland Ship Canal.

(7) When a vessel is approaching, is moored at or is leaving the so-called Ontario Paper Company Wharf just south of the Guard Gate at Thorold, its propellor shall be not operated when within 75 feet north or south of either end of the wharf and any movement within these limits at either end of the wharf shall be made by the use, if necessary, of lines and winches.

(8) For any violation of subsections (2) to (6) the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not more than One Hundred dollars. For any violation of subsection (7) the owner of the offending vessel shall be liable to a penalty of not less than One Hundred dollars and not more than Two Hundred dollars.

Port Colborne Harbour and Welland Ship Canal Entrance

110. (1) A vessel, upbound or downbound, waiting for Lock 8 may moor north of Bridge 20 either to the east wall or the west wall, provided no vessel is moored to the other wall, but not otherwise, in order that one side of the channel may be kept clear at all times. No vessel shall pass the Limit of Approach sign for the lock in order to moor.

(2) South of highway bridge 21, upbound vessels shall moor on the west side of the harbour and downbound vessels on the east side.

(3) The depth of water in front of the west wharf, Port Colborne Harbour, for a distance of two thousand four hundred (2,400) feet south of highway bridge 21, is only 15 feet at standard low water level of Lake Erie, elevation 570·0 above mean sea level at New York.

SAULT STE. MARIE CANAL

Loading and Unloading of Goods

111. No goods, other than automobiles, trucks, vehicles with caterpillar traction and ships' stores, shall be loaded or unloaded from or to canal land at Sault Ste. Marie and any loading or unloading of automobiles,

Department of Transport Act—*continued*

trucks, vehicles with caterpillar traction or ships' stores shall be done only with the permission and under the direction of the lockmaster and at such times and locations as will not delay canal traffic.

Vidal Shoal Cut

112. No vessel shall pass or attempt to pass another vessel proceeding in the same direction between the western end of the Vidal Shoal Cut and the upper entrance to the lock.

Traffic Rules

113. (1) Vessels approaching the lock shall not pass the "WAIT FOR SIGNAL" signs erected on the entrance piers while the signal light near the lock shows steady red or when no light is showing. When the signal light shows flashing red the vessel whose turn it is to lock next shall pass the "WAIT FOR SIGNAL" sign and proceed toward the lock keeping out of the way of outbound vessels, but, unless otherwise directed by the lockmaster, the stem of any vessel shall not pass the LIMIT OF APPROACH sign until the green light is shown.

(2) Unless otherwise directed by the Superintending Engineer or the lockmaster, upbound vessels shall not make fast to the north downstream pier.

(3) The signal, to be given by steamers approaching the lock, shall be three long and two short blasts of the whistle.

(4) Subsection (4) of Regulation 106, together with the penalty provided for any violation thereof, and Regulation 108 shall be applicable, *mutatis mutandis,* to the Sault Ste. Marie Canal.

(5) For any violation of the provisions of subsection (1) or (2) of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars.

(Note Regulations 24 and 25.)

RIDEAU CANAL

Building, Repairing and Breaking up of Vessels

114. (1) The charge for building, repairing or breaking up any vessel or raft in any basin, artificial cut or reach or on other canal land shall be Twenty-five dollars per vessel except that for small repairs which may be completed within ten hours vessels may be given written permission for drying off in a lock, in which case the charge shall be Ten dollars.

(2) Whenever any vessel or raft requires to pass through a lock in which another vessel is being drydocked for such minor repairs, the latter vessel shall be removed from the lock in sufficient time to allow the approaching vessel to enter the lock without delay. The vessel being repaired may again enter the lock for completion of its repairs as soon as the lock is available.

(Note Regulation 44.)

Department of Transport Act—*continued*

DRIVES OF LOGS

115. (1) No person shall drive logs in any artificial cut of the Rideau Canal or in any other portion of the main route of the canal or through, over or in any structure thereof under the control of the Director without permission in writing of the Director or the Superintending Engineer, and only logs of soft or lighter woods shall be driven in the navigation reaches.

(2) All drives of logs shall be sufficiently manned and precautions shall be taken to guard against the occurrence of jams or congestion in bends or contracted portions of rivers or of reaches between locks and also against the breaking of guide booms at the entrance to sluices.

(3) Whenever a drive of logs has passed, the owner thereof shall immediately remove all "dead heads" and floating logs left behind, which are or may become a menace to navigation. If such "dead heads" are not immediately removed by the owner of the logs, the Director or the Superintending Engineer may remove them forthwith and charge the expense of their removal to such owner.

(4) The owner and the person in charge of any raft or drive of logs shall be held jointly and severally responsible for any injury or damage done to any of the booms, piers or other public works in the Rideau Canal by any employee of such owner or person in charge, and the Director or the Superintending Engineer may seize and detain such raft or drive of logs until the injury or damage so done has been repaired, or until satisfactory security has been given for the payment of the amount at which such injury or damage is estimated by the Director or the Superintending Engineer, and the amount of such injury or damage shall be recoverable with costs by the Crown from the owner or person in charge of the logs.

(5) For any violation of this regulation the owner of the raft or drive of logs shall be liable to a penalty of not less than Five dollars and not exceeding One Hundred dollars.

PENALTIES FOR INJURY OR DAMAGE

116. Any person who wilfully does any injury or damage to any of the booms, piers or other public works on the Rideau Canal, and any person who aids or assists in so doing, shall, for each such offence, be liable to a penalty of not less than Twenty dollars and not exceeding Two Hundred dollars, in addition to being liable for the full amount of the injury or damage done.

SKIFFS AND CANOES

117. No skiff or canoe shall be locked through a lock on the Rideau Canal between the hours of sunset and sunrise; and even during daylight it shall be optional with the lockmaster either to pass it through the locks or have it otherwise conveyed from one level to the other; such passage or conveyance shall be at the risk of the owner, who shall assist in any manner that may be considered necessary by the lockmaster.

VESSELS WITH OPEN EXHAUST

118. Except for the purpose of participating in a regatta or race with the permission of the Director first had and obtained no motor-driven vessel shall run with open exhaust anywhere on the Rideau Canal system. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Twenty-five dollars.

Department of Transport Act—*continued*

Dow's Lake

119. (1) No motor vessel, whether driven by outboard or inboard engine shall run on Dow's Lake in the City of Ottawa at a speed greater than 6 miles per hour, and any such vessel on Dow's Lake shall proceed quietly in an orderly manner. Sight-seeing boats or pleasure craft may enter and circle around on Dow's Lake, but engine testing, speed testing and continuous circling around is forbidden.

(2) No vessel of any description shall tie up to or lie alongside the boom across Dow's Lake at any time of the day or night, nor anchor or lie in the lake itself (except at the Federal District Commission's boat house by consent of that Commission) between the hours of sunset and sunrise.

(3) For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of not less than Ten dollars and not exceeding Fifty dollars.

TRENT CANAL

Regulations Common to Rideau and Trent Canals

120. Regulations 115, 116, 117, and 118 shall be applicable, *mutatis mutandis*, to the Trent Canal.

Charges for use of Dry Dock, Locks and Unwatered Reaches

121. (1) The Trent Canal dry dock at Bobcaygeon may be utilized during the navigation season for the dry docking of vessels for repairs upon payment of Eight dollars ($8.00) for the first day or part thereof and Two dollars and Fifty cents ($2.50) for each additional day or part thereof, on condition that permission for such use shall be secured in advance from the Superintending Engineer.

(2) Upper Flight Locks 12, 17, 29 and 34 may be utilized during the navigation season for making small emergency repairs to vessels not requiring more than eight (8) hours' use of such locks, upon the payment of Eight dollars ($8.00) per eight (8) hours or part thereof. Whenever any other vessel or raft requires to pass through any such lock the vessel being dry-docked shall be removed from the lock in sufficient time to allow the approaching vessel to enter the lock without delay. The former may be returned to the lock as soon as the lock is available. Permission for such use shall be secured in advance from the Superintending Engineer.

(3) The owner of a vessel being dry-docked shall be responsible for all damages which may occur either to his own vessel or to other property including the detention or delay occasioned to other vessels thereby, in any manner arising out of or occasioned by such occupancy of the lock or dry dock.

(4) Wintering Charges on the Trent Canal shall be,—

(*a*) In Dry Dock—Forty Dollars ($40.00).

(*b*) In any Lock—Fifty Dollars ($50.00).

(*c*) In any basin, artificial cut or reach from which the water is withdrawn during the winter—Twenty Dollars ($20.00).

Department of Transport Act—*continued*

BERTHS FOR RAFTS

122. No raft of logs or of timber of any description shall be moored or banded up near any lock or in any navigation channel except with the written permission of the Superintendent and according to the conditions set out in such permission, nor shall it occupy more space at such point than so allotted, and the owner or person in charge of such raft shall at any time, when directed so to do, move the same from place to place, or remove the same entirely when required so to do by the Director or the Superintending Engineer or the Superintendent. For any violation of this regulation or for any neglect or refusal to comply with any of the conditions set out in the aforesaid permission the owner or person in charge of the said raft shall be liable to a penalty of not less than Twenty dollars and not exceeding Fifty dollars.

HYDRAULIC LIFT LOCKS

123. (1) The provisions of this regulation shall apply only to the Peterborough and Kirkfield Hydraulic Lift Locks.

(2) Unless otherwise determined by the Director, the dates for the opening and closing of these locks shall be as follows:—

Peterborough: Opening—May 15; Closing—September 30.
Kirkfield: Opening—June 1; Closing—September 30.

(3) If the lockmaster of either of these locks is of the opinion that lockage of a vessel may be dangerous, he may prohibit such lockage until the master of such vessel presents a permit therefor signed by the Superintending Engineer or the Superintendent.

(4) These locks shall not be operated for sensation purposes and the lockmaster may refuse passage if, in his opinion, such passage is being made mainly for sensation purposes.

(5) The whistle of any vessel shall not be blown while in the lock chamber or entrance or exit.

(6) Any downbound vessel whose machinery is defective shall not proceed into either of these locks and, in order to test its machinery, every downbound vessel shall stop and reverse when approximately 1,000 feet from either of these locks, that is, in the case of the Peterborough lock, at or immediately before reaching the Norwood Road bridge and, in the case of the Kirkfield lock, at or immediately before reaching the mouth of the Rock Cut.

(7) In order to prevent the raising of mud which might interfere with the proper operation of lock machinery, no vessel shall turn in the upper reach within a distance of 1,000 feet of the lock chambers.

(8) Between the upper end of the centre pier above the lock gates and a point 100 feet below the chamber gates in the lower reach (both points defined by sign boards), no vessel shall be moved except by lines and every movement of every vessel shall be subject to the orders of the lockmaster, and the master of every such vessel shall await and obey the orders of the lockmaster.

Department of Transport Act—*continued*

(9) All vessel crews, particularly barge and scow crews, shall keep their vessels clear of the chamber gate frames when entering or leaving chambers.

(10) No raft shall enter either of these locks except rafts of boom timbers properly rafted, with their chains removed or securely tied up, and cookery and capstan cribs properly constructed, all as approved by the Director or the Superintending Engineer or the Superintendent.

(11) No person shall ride on the lock chamber while the lock is in operation.

(12) No person, except the lock operator, shall enter or be in the control cabin while the lock is being, or is about to be, operated.

(13) No person, except the lockmaster or his assistant or a properly designated canal employee, shall handle any operating lever.

(14) No vessel of 5 tons or less shall be locked through the Peterborough Lift Lock except at 9 a.m., 2 p.m. and 7 p.m. unless such vessel is engaged in commercial business or is on a continuous trip to or from Lake Simcoe or is on a continuous trip from Lake Ontario to Lakefield or from Lakefield to Lake Ontario or is being locked with a vessel of over 5 tons.

(15) For any violation of the provisions of subsections (5), (6), (7), (8), (9) or (10), the owner of the offending vessel shall be liable to a penalty of not less than Twenty-five dollars and not exceeding Two Hundred dollars, and for any violation of the provisions of subsections (11), (12) or (13) the person offending shall be liable to a penalty of not less than Twenty-five dollars and not exceeding Two Hundred dollars, all penalties under this regulation to be in addition to any penalty which may be imposed under any other regulation.

PASSENGERS NOT TO EMBARK OR DISEMBARK AT HYDRAULIC LIFT LOCK

124. No passenger shall embark on or disembark from any vessel while such vessel is within the portion of the canal defined by subsection (8) of Regulation 123. The term "passenger" in this regulation includes any and everyone except the officers and members of the vessel's crew actively engaged in moving the vessel. For any violation of this regulation the owner of the offending vessel shall be liable to a penalty of Five dollars.

DRIVES OF LOGS

125. (1) During such hours as switch booms for log drives are placed across navigation channels they shall be continuously manned by the owner of the logs; and they shall be opened immediately upon vessels offering for passage.

(2) In the event of the occurrence of a jam or congestion at any point and the consequent stoppage of navigation for a period exceeding three hours, the Director or the Superintending Engineer or the Superintendent shall take such steps as he may see fit, and at the risk of the owner of the logs, to relieve the jam or congestion whether by the employment of additional men, the use of tugs or otherwise and the expenses thereby entailed shall be paid by the owner of the logs; the said owner shall further be liable for all and any delay that may be caused by such jam

Department of Transport Act—*concluded*

or congestion to any vessel navigating the canal and subsidiary waters, and, in addition, the said owner shall be liable to a penalty of not less than Fifty dollars and not exceeding One Hundred dollars for each such occurrence. The expenses of relieving the jam or congestion and the said penalty may be collected from all log owners concerned in the drive, jointly or severally, without regard to the individual interests in the drive.

(3) The Director or the Superintending Engineer or the Superintendent may secure and hold the whole of the drive of logs of which those causing the jam or congestion form part until such time as payment be made of the above mentioned expenses and penalty, and further, in the event of payment not being made within fifteen days from the date of seizure, the Director or the Superintending Engineer may sell, by public auction and after notice to the owner, the said drive of logs and apply the net proceeds of such sale in payment or part payment of such expenses and penalty, and the balance owing, if any, shall be recoverable from the said owner. The surplus net proceeds, if any, of such sale after payment of such expenses and penalties shall be paid to the said owner.

Size of Rafts

126. (1) Where separate channels in rivers and lakes are provided for the passage of logs and other timber, these alone are to be used therefor. Where separate channels in rivers and lakes are not provided for the passage of logs and timber, the owner or person in charge of such logs and other timber shall make them up into separate rafts of not more than five thousand (5,000) pieces in each raft, and in no case whatever shall any two rafts be within a quarter of a mile of each other while in motion.

(2) No more logs or other timber shall be passed over any dam at one time than can be accommodated between the dam next below and the switch boom above it leading to the lock.

(3) For any violation of this regulation the owner or person in charge of such logs or other timber shall be liable to a penalty of not less than Fifty dollars and not exceeding Two Hundred dollars.

Guide Booms

127. No raft shall be snubbed or fastened to any guide boom or guide boom pier, nor shall any raft be so sent down any channel as to change the position of any guide boom, nor shall any person, whether by releasing the guide boom from the piers or from its anchor, or otherwise, unless under express permission of the Director or the Superintending Engineer or the Superintendent first obtained, change the position of any guide boom. For any violation of this regulation the owner or person in charge of said raft shall be liable to a penalty of not less than Twenty dollars and not exceeding One Hundred dollars.

DEPARTMENT OF VETERANS AFFAIRS ACT. (1944-45, c. 19)

See VETERANS.

DESTRUCTIVE INSECT AND PEST ACT. (R.S.C., 1927, c. 47)

The Destructive Insect and Pest Regulations

P.C. 2057

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 26th day of April, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Agriculture and under the authority of the Destructive Insect and Pest Act, Revised Statutes of Canada, 1927, chapter 47, is pleased to order as follows:

1. The regulations made under the Destructive Insect and Pest Act by the following Orders in Council are hereby revoked, effective April 1, 1949:

P.C. 1150 of 26th June, 1923, as amended;
P.C. 717 of 20th April, 1927, as amended;
P.C. 559 of 12th April, 1928, as amended;
P.C. 643 of 29th March, 1932;
P.C. 1378 of 10th June, 1936;
P.C. 7095 of 15th September, 1944;
P.C. 2916 of 24th April, 1945, as amended;
P.C. 2380 of 17th June, 1947;
P.C. 2382 of 17th June, 1947;
P.C. 2146 of 13th May, 1948.

2. The attached regulations entitled "The Destructive Insect and Pest Regulations" are hereby made and established, effective April 1, 1949, in substitution for the regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

The Destructive Insect and Pest Regulations

Part I—General

Short Title

1. These Regulations may be cited as "The Destructive Insect and Pest Regulations".

Interpretation

2. In these Regulations,

(*a*) "Act" means the Destructive Insect and Pest Act;
(*b*) "Department" means the Department of Agriculture, Ottawa;
(*c*) "Division of Plant Protection" means Division of Plant Protection, Science Service, Department of Agriculture, Ottawa;
(*d*) "Inspector" means any person appointed as such under the Act;

Destructive Insect and Pest Act—*continued*

(*e*) "Minister" means the Minister of Agriculture for Canada;

(*f*) "nursery stock" includes every kind and species of plant grown or used for ornamental purposes, propagation or cropping, except flower, vegetable and field crop seeds, onion sets, garlic bulbs or bulbels, mushroom spawn, and seed potatoes;

(*g*) "pest" or "disease" includes any living stage of the numerous small invertebrate animals, except honey bees, belonging to the phylum Arthropoda (as, for example, insects, mites, ticks, centipedes), any form of elongated invertebrates lacking appendages, commonly referred to as worms (as, for example, nematodes), any form of protozoa, any form of fungi, (as, for example, rusts, smuts, moulds, and yeasts), any form of bacteria, any form of viruses, or any form of similar or allied organisms, which may directly or indirectly affect, injure or cause disease in plants or parts thereof; and

(*h*) "plant" or "plants" includes all members of the vegetable kingdom and any part or product thereof.

3. The introduction or admission of plants into Canada is permitted only as provided in these Regulations.

4. No person shall, contrary to these Regulations, sell, offer for sale, receive or dispose of any plant infested or infected with any pest or disease.

5. The owner, occupier or lessee of any place or premises where any pest or disease is found, which is not widely prevalent or distributed within or throughout Canada, shall immediately notify the Chief, Division of Plant Protection, thereof and shall send to him specimens of such pest or disease.

6. (1) The Minister may by special permit authorize the introduction or admission into Canada, for scientific and/or educational purposes, of any plant the introduction or admission of which is prohibited by these Regulations.

(2) The Minister may authorize for scientific purposes, the shipment or movement from one province to another or within a province, of any pest or disease the shipment or movement of which from one province to another or within a province is prohibited by these Regulations.

7. Nothing in these Regulations shall be construed to prevent the Government of any province from making such regulations or orders as may be necessary to control within the province any insect, pest or disease not expressly covered by these Regulations, or to prevent the spreading within the province of any insect, pest or disease in any aspect not expressly covered by these Regulations.

Powers of Inspectors

8. An inspector may enter upon any premises, lands, nursery, train, ship, aircraft, vehicle or other carrier where there is reason to believe that any pest or disease is or may be present, or where there are plants which prevent the successful control of any pest or disease.

Destructive Insect and Pest Act—*continued*

9. An inspector may inspect any plant before export from Canada or before shipment within Canada and may issue a certificate in respect thereof to comply with the requirements of the importing country or those for domestic purposes. Every such certificate for export purposes shall bear the seal of the Division of Plant Protection.

10. Notwithstanding the provisions of section 9, an inspection certificate may be withheld to give effect to instructions issued by the Chief, Division of Plant Protection, respecting the exportation or shipment of plants from or within Canada.

11. An inspector may require any imported plants or any carrier thereof referred to in section 8, or any ship or other carrier of cereal exports, to be held for examination, and such holding shall be at the risk and charges of the owner.

12. Where, on inspection, any imported plants are found to be infested or infected with any pest or disease, the plants and containers thereof shall be destroyed in the presence of the inspector, returned to the shipper or subjected to treatment, at the discretion of the inspector; and where any carrier referred to in section 8 is found to be infested with any pest or is suspected of being infested, it shall be treated to the extent and in the manner deemed necessary by an inspector. When any such action is necessary, due notice shall be given to the owner or his agent where ascertained. Any charges or risk associated with such treatment or other action shall be the responsibility of the owner.

13. In association with the control of any pest or disease within Canada, an inspector shall give such instructions as may be necessary for the treatment or destruction of any plant, or the containers thereof, which may be found or suspected to be infested or infected with, or constitute an obstacle to the successful control of any pest or disease, and such instructions shall be carried out by the owner or lessee of the infested, infected or suspected or menacing plant and containers thereof. The inspector shall have power to carry out the required treatment or destruction, if necessary, and the owner is responsible for any risks and charges involved in any treatment or destruction.

14. All risk or damage of any kind associated with or resulting from fumigation or other treatment prescribed or required by these Regulations or by an inspector shall be the responsibility of the owner.

15. No person shall obstruct an inspector in entering any premises, lands, nursery, train, ship, aircraft, vehicle or other carrier, or otherwise obstruct an inspector in the performance of his duties; and no person shall refuse to permit the making of any examination required by these Regulations, or refuse to carry out the instructions of an inspector relative to the effective control of any insect, pest or disease.

16. (1) Compensation not exceeding two-thirds of the value, assessed by the inspector, of the plants or containers thereof, destroyed by the instructions of an inspector, may be granted by the Governor in Council upon the recommendation of the Minister.

Destructive Insect and Pest Act—*continued*

(2) Subsection (1) does not apply (*a*) in any case in which plants or containers are destroyed on the order or at the direction of the Government of a province which does not grant compensation in such cases; or (*b*) in the case of potatoes or potato crops.

Penalty

17. Every person who contravenes any provision of these Regulations is liable to the penalty prescribed by section 9 of the Destructive Insect and Pest Act.

Part II—Admission of Plants into Canada

A. Nursery Stock

Permit Requirements

1. (1) Before any nursery stock may be imported, an application for a permit shall be filed with the Chief, Division of Plant Protection, Science Service, Department of Agriculture, Ottawa. Every such application shall be signed by the importer and shall specify:

(*a*) the quantity and kind of the nursery stock;
(*b*) the country and locality therein of origin;
(*c*) the destination of the nursery stock;
(*d*) the name and address of the consignor and consignee;
(*e*) whether the nursery stock will be forwarded by freight, express or mail; and
(*f*) air transportation when applicable.

(2) The importer shall notify the shipper of the number of the permit.

(3) The permit shall be presented to the Collector of Customs at the Customs port of entry before delivery of the nursery stock can be obtained.

(4) Subject to the provisions of section 6 of Part I hereof, no permit will be issued for any nursery stock the importation of which is prohibited by these Regulations.

Certificate of Inspection

2. (1) Every shipment of nursery stock originating in a country maintaining an inspection service shall be accompanied by a certificate of inspection issued and signed by an authorized official of the country of origin, certifying that the nursery stock in respect of which the certificate was issued was thoroughly examined at the time of packing by the said official or his authorized agent and was found, or believed, to be free from any pest or disease.

(2) The original certificate of inspection shall accompany the way-bill or bill of lading and shall be furnished to the inspector at the port of importation by the transportation company. In the case of shipments by mail, the certificate shall be enclosed within the container.

(3) Each container of nursery stock shall have attached thereto a copy of the certificate of inspection.

Destructive Insect and Pest Act—*continued*

(4) Each certificate of inspection and copy thereof shall state the country, and the locality therein, where the nursery stock was grown, and the date of the inspection.

(5) Both the original certificate of inspection and the copy thereof shall bear the official seal of the authorized inspection service of the country of origin. The actual signature of the authorized official shall appear on the original certificate of inspection. On the copy thereof, the said signature may be either actual or reproduced.

(6) Nursery stock originating in any country not maintaining an inspection service may be admitted under a special permit issued by the Chief, Division of Plant Protection.

(7) Special certificates required by specific Regulations herein shall be provided in addition to the foregoing, and the original certificate shall accompany the way-bill or bill of lading and a copy of the certificate shall be attached to each container.

Marking of Containers

3. Each container of nursery stock, in addition to bearing a copy of the certificate of inspection, shall be clearly marked with the name and address of the consignor and of the consignee and the permit number, and shall also bear a declaration showing the quantity and kind of nursery stock contained therein, unless such information is duly included on the copy of the certificate of inspection.

Ports of Importation

4. (1) Nursery stock originating in any country, imported into Canada other than by mail, shall be routed only through any one of the following ports:

St. John's, Newfoundland
Halifax, N.S.
Saint John, N.B.
Montreal, Que.
Ottawa, Ont.
Niagara Falls, Ont.
Windsor, Ont.
Winnipeg, Man.
Estevan, Sask.
Lethbridge, Alta.
Vancouver, B.C.

(2) Nursery stock in small quantities may be imported by mail or air express or air freight through the following ports, in addition to those listed in subsection (1):

Toronto, Ont.
London, Ont.
Victoria, B.C.

(3) An importer intending to bring in nursery stock by mail shall indicate the fact on the application for permit. A mailing label will then be furnished to the importer with the permit. The importer shall forward this label to the shipper, who shall attach it to the outside of the package of nursery stock.

(4) Nursery stock arriving at any place in Canada other than at one of the ports listed in subsections (1) or (2) shall be routed on one of those ports for inspection or clearance.

Destructive Insect and Pest Act—*continued*

Import Inspection

5. (1) Nursery stock entering Canada shall be inspected at one of the ports of importation designated in section 4 before being allowed to proceed to destination, unless otherwise directed by an inspector.

(2) Nursery stock shall not be moved from a port of importation unless a certificate of inspection or a certificate of clearance has been issued by an inspector.

(3) Nursery stock permitted to proceed to destination for inspection shall not be unpacked before the arrival of an inspector.

Treatment of Infested or Infected Nursery Stock

6. If, on inspection, any nursery stock is found to be infested or infected with any pest or disease, it shall be subjected to treatment or destroyed, to the extent deemed necessary by the inspector. Any case, package and packing in which such nursery stock has been contained shall also be treated or destroyed. At the discretion of the inspector and where no apparent danger exists, condemned nursery stock may be returned to the shipper, but all details and costs with regard to the return of such nursery stock shall be arranged between the importer and the shipper.

Charges to be Borne by Importer

7. All charges for storage, demurrage, cartage, labour and delays incident to inspection and cost of treatment or destruction, other than the services of an inspector, and any risk or damage through any such action shall be borne by the importer.

Delivery of Shipment from Customs

8. No delivery of nursery stock may be obtained from Customs unless:

(*a*) the importer presents the permit referred to in section 1 hereof;

(*b*) a certificate of inspection or a certificate of clearance, duly signed by an inspector, has been filed with the Collector of Customs at the port of importation; and

(*c*) a copy of either the said certificate of inspection or certificate of clearance is on file at the port from which the nursery stock is to be cleared.

B. Prohibited Imports

9. (1) The importation into Canada of the following plants is prohibited:

(*a*) Potatoes (*Solanum* spp.) for seed or other purposes, from Europe, the Azores Islands, the Canary Islands and the Islands of St. Pierre and Miquelon.

(*b*) Plants, except seeds, of five-leaved species of the genus *Pinus* and their horticultural varieties, from all countries.

(*c*) Plants, including grafts, cuttings and seeds of *Ribes americanum, Ribes bracteosum, Ribes hudsonianum, Ribes nigrum* and *Ribes petiolare* and their horticultural varieties, except the fresh fruit thereof, from all countries.

(*d*) Plants, except seeds of all species and varieties of the genus *Larix* from countries other than the United States of America.

Destructive Insect and Pest Act—*continued*

(*e*) Plants, except seeds, of all species and varieties of the genera *Ulmus* and *Zelkova* including logs, burls or wood with bark attached whether in the raw or manufactured state, from all countries.

(*f*) Plants, including the seeds of all species, hybrids and horticultural varieties of barberry, in the genera *Berberis, Mahonia* and *Mahoberberis,* except such species, hybrids and horticultural varieties which have been determined on the authority of the Dominion Botanist to be immune to black stem-rust of wheat, *Puccinia graminis* Pers., from all countries.

(*g*) Plants, including the seeds of all buckthorns included in the genus *Rhamnus,* except such species which have been determined on authority of the Dominion Botanist to be immune to crown rust of oats, *Puccinia coronata* Cda., from all countries.

(2) The importation into the Province of British Columbia of plants, except seeds, of all species, hybrids and horticultural varieties of the genus *Corylus* (hazel, cob and filbert) from the States of Montana, Wyoming, Colorado and New Mexico, and all States of the United States east thereof, is prohibited.

C. Restricted Imports

10. The importation into Canada of the following plants and other matter is prohibited except in accordance with the provisions and restrictions set forth in this section:

Potatoes

(1) Potatoes (*Solanum* spp.), for seed or other purposes, from the States of Pennsylvania, West Virginia and Maryland, unless the shipment is accompanied by a certificate signed by an authorized State or Federal official establishing that the potatoes comprised therein were grown outside of any area that has been quarantined for the wart disease, *Synchytrium endobioticum* (Schilb) Perc.

(2) Potato tubers or portions of tubers, (*Solanum* spp.), for seed or other purposes, from countries other than those from which the importation of potatoes is prohibited, (namely: European countries, the Azores Islands, the Canary Islands and the Islands of St. Pierre and Miquelon), unless a prior permit to import potatoes from such other country is obtained from the Chief, Division of Plant Protection. The application for permit shall state the quantity to be imported, the country of origin, the names and addresses of the consignor and consignee, and the purpose of the proposed importation;

Provided, however, that every importation authorized under this paragraph shall be imported through a port of importation designated in section 4 and shall be subject to inspection upon arrival in Canada; Provided, further, that if, on inspection, any such potatoes are found to be, or are suspected of being, infested or infected with a pest or disease, they may be destroyed, treated or grown under quarantine at the discretion of the inspector, or a quarantine restriction may be imposed as a condition of entry.

Note: The restrictions and provisions contained in paragraph (2) do not apply to potatoes imported from the United States of America. For the restrictions applicable to potatoes imported from the States of Pennsylvania, West Virginia and Maryland, see paragraph (1) above.

Destructive Insect and Pest Act—*continued*

Plants, etc. from Gypsy and Brown-tail Moth Areas

(3) All nursery stock from Gypsy and/or Brown-tail moth areas, including all plants for the purpose of propagation or further growth; the foliage of conifers, holly and laurel, except when used in floral funeral pieces; forest products, including logs, tan bark, posts, poles, railway ties, cordwood, lumber, and stone and quarry products from the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and from such areas of the States of New York and Pennsylvania as may be regulated from time to time under the Gypsy and Brown-tail Moth Quarantine maintained by the United States Department of Agriculture or by a State Department of Agriculture, unless accompanied by a certificate of inspection, issued and signed by an authorized officer of the United States Department of Agriculture or a State Department of Agriculture, establishing that the shipment was examined and found free from infestation by the Gypsy and/or Brown-tail moth.

Plants with Soil from Asia

(4) All nursery stock and plants for ornamental purposes or propagation from Asia, with sand, soil or earth about the roots; Provided, however, that bulbs and corms may be packed in sand, soil or earth when such packing has been sterilized by being brought to a temperature of one hundred degrees Centigrade for a period of one hour, and that the shipment is accompanied by a certificate signed by an official of the country of origin, establishing that the sand, soil or earth was so treated and in his presence; Provided, further, that in shipments of bulbs or corms originating in Japan, subsoil may be used for packing, if the shipments are accompanied by a certificate issued by a duly authorized officer of the Plant Quarantine Service of Japan, establishing that the subsoil was taken from not less than two feet below the surface, that it has been sieved, sifted, dried and stored so as to prevent contamination by insects and disease, and that no dangerous insects or diseases are known to occur in the locality from which the subsoil was obtained.

Chestnut Plants

(5) All species, hybrids and horticultural varieties, including the seeds, of the genus *Castanea* from Europe, Asia and the United States of America, unless each importation is accompanied by a certificate issued and signed by an authorized officer of the country of origin to the effect that the plants or seeds covered by the certificate originated in a district believed to be free from the chestnut bark disease *Endothia parasitica* (Murr) A.A., or that the species, hybrids or horticultural varieties included in the shipment are believed to be resistant to the said disease.

Virus Diseases of Stone Fruits

(6) All species, hybrids and horticultural varieties of cherry, chokecherry, peach and nectarine, including trees, cuttings, scions, budsticks, seeds and cherry pollen from the United States of America, unless

(*a*) each shipment is accompanied by a certificate issued and signed by an authorized officer of a State or the Federal Department of Agriculture establishing that the material included in the shipment originated in, and was shipped from, a nursery that had been

Destructive Insect and Pest Act—*continued*

inspected by an authorized officer, and that the virus diseases Little Cherry and Albino Cherry are not known to occur, either in the nursery or within twenty miles of its boundaries; and

(*b*) each shipment of peach and/or nectarine stock is accompanied by a certificate issued and signed by an authorized officer of a State or the Federal Department of Agriculture establishing that the material included in the shipment originated in, and was shipped from, a nursery that had been inspected by an authorized officer, and that the virus disease Phony Peach is not known to occur, either in the nursery or within one mile of its boundaries; and

(*c*) each shipment of peach and/or nectarine stock to the Province of British Columbia is accompanied by a certificate issued and signed by an authorized officer of a State or the Federal Department of Agriculture establishing that the material included in the shipment originated in, and was shipped from, a nursery that had been inspected by an authorized inspector, and that the disease Peach Yellows is not known to occur, either in the nursery or within one mile of its boundaries.

Hosts of Oriental Fruit Moth

(7) All species, hybrids and horticultural varieties, including the flowering forms of almond, apple, apricot, cherry, chokecherry, hawthorn (*Crataegus* spp.), nectarine, peach, pear, plum and quince trees, plants or parts thereof, including the fresh fruit and seeds thereof, into the Province of British Columbia from the United States of America, unless

(*a*) each shipment is accompanied by a certificate issued and signed by an authorized officer of a State or the Federal Department of Agriculture establishing that the material included in the shipment originated in, and was shipped from, a nursery in a district which had been inspected by an authorized officer, and that the Oriental Fruit Moth, *Grapholitha (Laspeyresia) molesta* Busck., is not known to occur, either in the nursery or the district; or

(*b*) each shipment is accompanied by a certificate issued and signed by an authorized officer of a State or the Federal Department of Agriculture establishing that the material included in the shipment was fumigated with methyl bromide as prescribed hereunder:—

Fresh Fruit:

at 80° F., 1 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours
at 70° F., 1.5 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours
at 60° F., 2 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours
at 50° F., 2.5 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours
at 40° F., 3 lb. methyl bromide per 1,000 cu. ft. of space for 2 hours

Trees, Plants or Parts thereof:

at 70° F., 2 lb. methyl bromide per 1,000 cu. ft. of space for 4 hours
at 60° F., 3 lb. methyl bromide per 1,000 cu. ft. of space for 4 hours

Corn and Corn Products from the United States

(8) (*a*) All corn stalks, including sorghums, broom corn and popcorn, whether used for packing or other purposes, green sweet corn, corn on the cob and corn cobs, into the Provinces of Manitoba, Sask-

Destructive Insect and Pest Act—*continued*

atchewan, Alberta and British Columbia, from the States of North Dakota, South Dakota, Nebraska, Kansas, Missouri, Tennessee, North Carolina and all States east and north thereof in the United States of America, unless

(i) the corn and corn parts specified herein have been manufactured or processed in such a manner as to eliminate all risk of carriage of the European Corn Borer, *Pyrausta nubilalis*, Hbn., or

(ii) each shipment is accompanied by a certificate issued and signed by an officer of a State or the Federal Department of Agriculture, establishing that each such shipment has been fumigated in a vacuum or air-tight vault as prescribed in the schedules hereunder.

(*b*) Shipments from States other than those specified herein shall be accompanied by a certificate issued and signed by an authorized State or Federal official, establishing that the corn or corn parts specified herein were grown in a State in which the European Corn Borer, *Pyrausta nubilalis* Hbn., is not known to occur.

FUMIGATION SCHEDULES

For Broom Corn, Corn Stalks and Corn Cobs

(i) *Vacuum fumigation:*

Vacuum fumigation under sustained reduced pressure throughout the exposure period, following introduction of the fumigant, of not more than two inches of absolute mercurial pressure (28-inch vacuum at sea level) with one or other of the following two fumigants:

Hydrocyanic acid gas (HCN):

Temperature of the vault and commodity to be not less than	*Pounds per 1,000 cu. ft. of space*	*Exposure period*
60° F.	2.5	not less than three hours

Methyl Bromide (CH_3Br):

Temperature of the vault and commodity	*Pounds per 1,000 cu. ft. of space*	*Exposure period*
60° F. or above	2.5	2.5 hrs.
50° F.—59° F.	4	2.5 hrs.
40° F.—49° F.	5	2.5 hrs.

(ii) *Atmospheric Fumigation in an Air-Tight Vault*

Methyl Bromide (CH_3Br):

Temperature of the vault and commodity	*Pounds per 1,000 cu. ft. of space*	*Exposure period*
60° F. or above	2.5	16 hrs.
55° F.—59° F.	3.0	16 hrs.
50° F.—54° F.	3.5	16 hrs.
45° F.—49° F.	4.0	16 hrs.
40° F.—44° F.	4.5	16 hrs.

Destructive Insect and Pest Act—*continued*

FOR DRIED CORN INCLUDING SEED CORN AND POPCORN ON THE COB

(i) *Vacuum fumigation:*

The temperatures, dosages and exposure period shall be as for broom corn, corn stalks and corn cobs. (See also "Note" following.)

(ii) *Atmospheric Fumigation in an Air-Tight Vault*
Methyl Bromide (CH_3Br):

Temperature of the vault and commodity	*Pounds per 1,000 cu. ft. of space*	*Exposure period*
60° F. or above	1	12-18 hrs.
60° F. or above	3	4 hrs.
50° F.—59° F.	4	4 hrs.

FOR GREEN SWEET CORN ON THE COB

Atmospheric fumigation only with,
Methyl Bromide (CH_3Br):

Temperature of the vault and commodity	*Pounds per 1,000 cu. ft. of space*	*Exposure period*
70° F. or above	2.5	2.5 hrs.
60° F.—69° F.	3	3 hrs.
50° F.—59° F.	3	4 hrs.

NOTE: (1) Adequate ventilation of the fumigant from the products shall be provided before the shipment is released for movement.

(2) A fan shall be used in atmospheric vaults to provide adequate distribution of the fumigant.

(3) Methyl Bromide (CH_3Br) should not be used to fumigate *seed corn* at temperatures below 50° F., or when the moisture content of the seed is over 12 per cent.

Broom Corn from Countries other than the United States

(9) All broom corn, including samples and brooms manufactured from broom corn from countries other than the United States of America, unless

(*a*) an application for permit is filed with the Chief, Division of Plant Protection, providing the names and addresses of consignor and consignee, country of origin, quantity in the shipment, proposed routing, and expected date of arrival in Canada;

(*b*) a permit is issued by the Chief, Division of Plant Protection, or his duly authorized representative;

(*c*) each importation enters through the Port of Halifax, Nova Scotia; Saint John, New Brunswick; Quebec or Montreal, Quebec; Vancouver, British Columbia, or such other port as may be designated by the Chief, Division of Plant Protection, or his duly authorized representative;

(*d*) each shipment is examined by an inspector before it is unloaded from a ship, railway freight car, or other carrier;

Destructive Insect and Pest Act—*continued*

(*e*) each ship, freight car or other carrier, wharf, transfer shed, storage or warehouse has been cleaned or treated as required by and to the satisfaction of an inspector;

(*f*) each importation is fumigated with methyl bromide at the dosage prescribed by and under the supervision of an inspector, in accordance with the following:

(i) before or after unloading, as determined by an inspector;

(ii) during the period between April 1 and October 31, in an approved railway freight car or other air-tight chamber at the seaport of arrival, or at such other place as may be designated by an inspector; or

(iii) during the period between November 1 and March 31, in a vacuum vault at Vancouver, British Columbia, or Montreal, Quebec, or in an air-tight atmospheric chamber or railway freight car approved by an inspector, in which the importer has arranged to have the temperature within the chamber and the commodity at not less than 40° F. throughout the exposure period;

(*g*) each shipment originating in countries other than the United States, transhipped from a port in the United States, during the period October 1 and the end of February, is accompanied by a certificate of fumigation issued and signed by an authorized officer of the United States Department of Agriculture establishing that the broom corn or brooms manufactured from broom corn, covered by the certificate, have been fumigated in accordance with the requirements of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture governing the admission of such shipments into the United States; or arrangements are made by the importer to transport such shipments across United States territory during the period October 1 and the end of February for fumigation in Canada;

(*h*) all charges for fumigation, handling, cartage, cooperage, storage or risk or other charges associated with the importation of the products specified herein are borne by the importer;

(*i*) any charges incurred in the cleaning or treatment of a ship, freight car or other carrier, wharf, transfer shed, storage or warehouse is borne by the owner; and

(*j*) the certificate of fumigation and import permit are filed with the other entry papers at the Customs port of entry.

Plants from Hawaii and Puerto Rico

(10) All nursery stock and plants for ornamental purposes or propagation with sand, soil or earth about the roots from the Territories of Hawaii and Puerto Rico, unless

(*a*) the sand is clean ocean sand;

(*b*) the sand, soil or earth is accompanied by a certificate issued by an

Destructive Insect and Pest Act—*continued*

authorized officer of the United States Department of Agriculture establishing that the sand, soil or earth has been so processed that no pest risk is involved; and

(*c*) each shipment of plants without soil is accompanied by a certificate of inspection in accordance with section 2 of Part II.

Fruits and Vegetables from the Hawaiian Islands

(11) All fruits and vegetables, in the natural or raw state; raw peel of fruits of all genera, species and varieties of the subfamilies *Aurantioideae, Rutoidae* and *Toddalioideae,* of the botanical family *Rutaceae;* cut flowers; rice straw; and mango seed, from the Territory of Hawaii, unless accompanied by a certificate issued and signed by an authorized officer of the United States Department of Agriculture, establishing that each such shipment is free from infestation by the Mediterranean fruit fly, *Ceratitis capitata* Hendl., the melon fly, *Dacus cucurbitae* Coq., the Oriental fruit fly, *Dacus dorsalis* Hendl., and all other insects, pests or diseases specified in Quarantine 13 of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

Wheat from Certain Countries

(12) All species and varieties of wheat, including straw, bran and chaff, from Australia, Asia, Africa, Bulgaria, Cyprus, Italy, Spain and Chile, unless a permit for each importation has been procured by the importer from the Chief, Division of Plant Protection, and each shipment is accompanied by a certificate, issued and signed by an authorized officer of the country of origin establishing that the material covered by the certificate was harvested in a locality where the disease flag smut, *Urocystis tritici* Koernicke, is not known to exist. The application for permit shall give the names and addresses of the importer and exporter, quantity and kind of material to be imported and the purpose of importation. The permit and certificate shall be presented with the other entry papers before release of the shipment will be permitted by Customs.

Wheat from Certain States of the United States

(13) All species and varieties of wheat, including straw, bran and chaff, from the States of Washington, Montana, Idaho, Utah, Oregon, and New York, unless a permit for each importation has been procured by the importer from the Chief, Division of Plant Protection, and each shipment is accompanied by a certificate issued and signed by an authorized State or Federal official and establishing that the material covered by the certificate was harvested in a locality where the disease Dwarf Bunt, (race of *Tillitia caries* (D.C.) Tul.), is not known to exist. The application for permit shall give the names and addresses of the importer and exporter, the quantity and kind of material to be imported and the purpose of importation. The permit and certificate shall be presented with the other entry papers before release of the shipment will be permitted by Customs; provided, however, that this paragraph shall not apply to wheat seed imported for scientific purposes by universities, agricultural colleges, and Dominion and Provincial Departments of Agriculture from similar institutions, State or Federal Departments of Agriculture in the States specified.

Destructive Insect and Pest Act—*continued*

Part III—Importations of Insects, Pests or Diseases for Scientific or Educational Purposes

1. The importation into Canada of living insects, pests and diseases is prohibited except in accordance with the provisions and restrictions set forth hereunder:

Any living stage of the numerous small invertebrate animals except honey bees, *Apis mellifira* L., belonging to the phylum Arthropoda (as for example, insects, mites, ticks, centipedes), any form of elongated invertebrates lacking appendages, commonly referred to as worms (as for example, nematodes), any form of protozoa, any form of fungi (as for example, rusts, smuts, moulds, and yeasts), any form of bacteria, any form of viruses, or any form of similar or allied organisms which may directly or indirectly affect, injure or cause disease in plants, from all countries, unless

(*a*) the proposed importation is to be used for scientific or educational purposes only;

(*b*) an application is submitted to the Chief, Division of Plant Protection, providing the names and addresses of the consignor and consignee, and scientific name of the pest or disease, the institution or place of origin, quantity, number of containers, the purpose of the importation and the name and address of the institution where the material will be used;

(*c*) the application is approved by the Dominion Entomologist or Dominion Botanist, or under the authority of either;

(*d*) a permit is issued by the Chief, Division of Plant Protection, or his duly authorized representative;

(*e*) the importation is routed through one of the ports specified in section 4 of Part II, or through Belleville, Ontario, or other port of importation as may be later established;

(*f*) the forwarding label issued with the permit, designating the port through which the importation shall be routed, has been forwarded by the importer to the shipper and attached to the outside of each container; and

(*g*) a release certificate issued by an authorized inspector at the port of importation is presented by the importer with the permit at the Customs port of entry.

2. (1) Every importation authorized under section 1 is subject to inspection at the port of importation and may be held for further examination if, in the opinion of the inspector, such importation includes insects or other organisms not specifically covered by the permit.

(2) Every importation held for further examination pursuant to subsection (1) shall, if found to include insects or other organisms not specifically covered by the permit, be refused entry or destroyed.

Part IV—The Movement of Plants Within Canada

A. Prohibited Plants

1. The movement within Canada of the plants specified hereunder is prohibited:

(1) Plants, except seeds, of all species, hybrids, and horticultural varieties of the genus *Corylus* (hazel, cob and filbert) to the Province of British Columbia from any other province in Canada.

Destructive Insect and Pest Act—*continued*

(2) Plants including the seeds of all species, hybrids and horticultural varieties of barberry, in the genera *Berberis, Mahonia* and *Mahoberberis,* except such species, hybrids and horticultural varieties which have been determined on the authority of the Dominion Botanist to be immune to black stem-rust of wheat, *Puccinia graminis* Pers., from any one province to any other province in Canada.

(3) Plants including the seeds of all buckthorns included in the genus *Rhamnus,* except such species which have been determined on authority of the Dominion Botanist to be immune to crown rust of oats, *Puccinia coronata* Cda., from any one province to any other province in Canada.

(4) Plants, including the fresh fruit and seeds of all species, hybrids and horticultural varieties of peach and nectarine to the Province of British Columbia from the Province of Ontario.

(5) Potatoes (*Solanum* spp.), for seed or other purposes, from the Province of Newfoundland to any other province of Canada.

2. Notwithstanding the provisions of section 1, the movement within Canada of the plants specified therein may, for scientific purposes only, be authorized by the Dominion Botanist.

B. Restricted Plants

3. The movement within Canada of the following plants and other matter is prohibited except in accordance with the provisions and restrictions set forth hereunder:

Apple, Pear, Quince, and European Mountain Ash

(1) Any tree or part thereof, except the fruit, but including any scion, bud, graft, cutting or seedling, of apple, pear, quince, or European mountain ash, or any living stage of the European apple sucker, *Psylla mali* Schmidberger, from the area comprised by the Provinces of Prince Edward Island, Nova Scotia and New Brunswick, to any other province in Canada, unless

(*a*) the plants or plant parts are imported from any country outside Canada and are for immediate trans-shipment to a point outside the aforesaid area; or

(*b*) the plants or plant parts are moved for experimental or scientific purposes by a Provincial Department of Agriculture, or the Dominion Department of Agriculture, and are accompanied by a certificate of inspection, issued and signed by an inspector of the Division of Plant Protection.

Corn and Corn Products

(2) All corn stalks including sorghums, broom corn and popcorn, whether used for packing or other purposes, green sweet corn, corn on the cob and corn cobs, and any living stage of the European corn borer, *Pyrausta nubilalis* Hbn., from the area comprised by the Provinces of Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland to any point in Canada outside of this area, unless

(*a*) the corn and corn parts specified herein have been manufactured or processed in such a manner as to eliminate all risk of carriage of the European corn borer; or

Destructive Insect and Pest Act—*continued*

(*b*) each shipment of corn or corn products is accompanied by a certificate issued and signed by an inspector of the Division of Plant Protection establishing that each such shipment has been fumigated as prescribed in paragraph (8) of section 10 of Part II; or

(*c*) the corn or corn products are to be used for scientific purposes by the Dominion Department of Agriculture or by a Provincial Department of Agriculture and each shipment is accompanied by a certificate of inspection issued and signed by an inspector of the Division of Plant Protection establishing that each such shipment is free from infestation by the European corn borer; or

(*d*) the corn is dried seed corn on the cob for exhibition purposes and each shipment is accompanied by a certificate of inspection issued and signed by an inspector of the Division of Plant Protection establishing that each such shipment is free from infestation by the European corn borer.

Hosts of the Oriental Fruit Moth

(3) All species, hybrids and horticultural varieties including the flowering forms of almond, apple, apricot, cherry, chokecherry, hawthorn (*Crataegus* spp.), pear, plum and quince trees, plants and parts thereof, including the fresh fruit and seeds thereof and any living stage of the Oriental fruit moth, *Grapholitha* (*Laspeyresia*) *molesta* Busck, from any other province in Canada to British Columbia, unless

(*a*) each shipment from the Province of Ontario of such plants or plant parts or fresh fruit thereof is accompanied by a certificate of fumigation issued and signed by an inspector of the Division of Plant Protection establishing that the shipment has been fumigated in an air-tight chamber with methyl bromide as prescribed in paragraph (7) of section 10 of Part II; and

(*b*) each shipment from any province other than Ontario is accompanied by a certificate of origin issued and signed by an inspector of the Division of Plant Protection or an official of the Provincial Department of Agriculture; or

(*c*) shipments of bud sticks or scions of such plants from the Province of Ontario are imported for scientific or experimental purposes by the Dominion Department of Agriculture or the British Columbia Department of Agriculture, and are accompanied by a certificate of inspection issued and signed by an inspector of the Division of Plant Protection establishing that the shipment has been examined and found apparently free from infestation by the Oriental fruit moth.

Elm Plants and Products

(4) Plants, except seeds, of all species and varieties of the genus *Ulmus* including elm logs, burls or wood with bark attached, whether in the raw or manufactured state:

(*a*) from any point within to any point outside the area comprised by the Counties of Arthabaska, Bagot, Berthier, Chambly, Champlain, Drummond, Hochelaga, Jacques Cartier, Joliette, L'Assomption, Laval, Laviolette, Lotbiniere, Maskinonge, Megantic, Montcalm, Nicolet, Portneuf, Richelieu, Richmond, St. Hyacinthe, St. Maurice, Terrebonne, Vercheres, Wolfe and Yamaska in the Province of Quebec; and

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(*b*) from any point within to any point outside the area comprised by the Counties of Argenteuil, Beauce, Beauharnois, Compton, Frontenac, Laprairie, Levis, Quebec, Rouville, Shefford, Sherbrooke, Soulanges, St. Johns north of Canadian Pacific Railway main line but including the City of St. Johns; Two Mountains and Vaudreuil in the Province of Quebec and the Counties of Carleton, Dundas, Glengarry, Grenville, Prescott, Russell and Stormont in the Province of Ontario;

Provided, however, that the above restrictions shall not apply

(i) when the plants or plant products are moved from the area specified in paragraph (*b*) to the area specified in paragraph (*a*); or

(ii) when the plants or plant products are for scientific purposes and consigned to an officer of the Dominion Department of Agriculture, the Quebec Department of Lands and Forests, the Ontario Department of Agriculture or the Ontario Department of Lands and Forests; or

(iii) when the plants or plant products have been kiln dried at a temperature of 130° F. for 12 hours, with relative humidity of 85 per cent and are accompanied by an affidavit signed by the shipper declaring that such treatment has been duly carried out; or

(iv) when the plants or plant products originate in any area other than those specified in paragraphs (*a*) and (*b*) and are shipped through those areas on a through bill of lading.

Cherry, Chokecherry and Peach from British Columbia

(5) All species, hybrids and horticultural varieties of cherry, chokecherry and peach including trees, cuttings, scions, budsticks and seeds, from the Province of British Columbia to any other province of Canada, unless each shipment is accompanied by a certificate, issued and signed by an authorized official of the British Columbia or Dominion Department of Agriculture establishing that the material included in the shipment originated in and was shipped from a nursery that had been inspected by an authorized officer, and that the virus disease Little Cherry is not known to occur, either in the nursery or within twenty miles of its boundaries.

Peach and Nectarine to British Columbia

(6) All species, hybrids and horticultural varieties of peach and nectarine plants, fresh fruits and seeds thereof, from any province in Canada other than Ontario, to the province of British Columbia, unless each shipment is accompanied by a certificate of origin issued and signed by an authorized officer of a Provincial Department of Agriculture or an inspector of the Division of Plant Protection.

Part V—Exports

A. Apples

1. (1) The export of apples from Canada to countries other than the United States of America is prohibited except in accordance with the provisions and restrictions set forth hereunder:

(2) No person shall export fresh apples of any variety to any country other than the United States of America unless an export inspection certificate with respect thereto is issued and signed by a duly authorized inspector.

Destructive Insect and Pest Act—*continued*

(3) No export inspection certificate shall be issued with respect to any apples unless they were produced in an area in which the apple maggot has not been known to occur, or in an apple maggot control zone, and complete apple maggot control measures, as stipulated by the Division of Entomology, Dominion Department of Agriculture, have been carried out in that zone and the three hundred yards surrounding that zone; Provided, however, that with the authority of a duly authorized representative of the Division of Entomology, Dominion Department of Agriculture, control measures may be modified or waived with regard to sections of zones or individual orchards within which the apple maggot has not been known to occur during the preceding six years.

(4) (*a*) For the purposes of this Part, apple maggot control zones shall be such zones as are from time to time established by the provinces in which they are situated, if full information with respect thereto and with respect to any changes therein are furnished to the Chief, Division of Plant Protection, not later than the first day of July in each year, and if, under the laws of the province, the control measures referred to in subsection (3) of this section can be carried out and the province appoints the required number of qualified inspectors to enforce such control measures as are required from year to year.

(*b*) An apple maggot control zone may comprise a geographical area of any designated size, or an individual orchard.

(5) The apple maggot control measures referred to in subsection (3) of this section shall include the treatment of all native hawthorn trees, neglected and wild apple trees, in such a manner as to render them incapable of producing fruit, or the application to such trees of complete apple maggot sprays.

(6) The inspection of apples for the purposes of this Part shall be on the following basis:

(*a*) organization and policy relating to inspection preliminary to export certification, as carried out in each province, shall be subject to the approval of the Chief, Division of Plant Protection;

(*b*) an inspector shall make a pre-harvest inspection of all varieties of apples in the orchard or orchards within each zone; Provided, however, that such degree of inspection may be modified or waived if, in the opinion of a duly authorized representative of the Chief, Division of Plant Protection, the apple maggot has not been known to exist or has been successfully eradicated in a specified zone or part thereof;

(*c*) apples found apparently free from apple maggot infestation during pre-harvest inspection shall be subject to further inspection at the time of packing, by an inspector, and, subject to the provisions of subsection (7) of this section, shall be eligible for export if they comply with the Regulations under the Fruit, Vegetables and Honey Act;

(*d*) it shall be sufficient to inspect apples by varieties within an orchard; and

(*e*) where wild or neglected apple trees or native hawthorn trees have not been treated as provided in subsection (5) of this section or where apple maggot control measures have not been applied to

Destructive Insect and Pest Act—*continued*

such trees, no apples grown within three hundred yards thereof shall be eligible for export unless they are submitted to cold temperature treatment in accordance with subsection (8) of this section.

(7) Apples found eligible for export under this Part shall be harvested, marked and stored in such manner that they can be identified as to orchard of origin to the satisfaction of the responsible inspector of the Fruit and Vegetable Division of the Dominion Department of Agriculture.

(8) Apples that are very lightly infested with the apple maggot during the orchard inspection and subsequent packing inspection shall be eligible for export under this Part if

(*a*) the variety is Ben Davis, Stark, Gano, Spy, Baldwin, Golden Russet, Jonathan, Tolman, King, Wagener, Cranberry, Canada Red, Mann, Phoenix, or other winter varieties;

(*b*) the apples are in a hard condition when placed in cold storage and no mellow fruit is present; and

(*c*) under the supervision of an inspector of the Fruit and Vegetable Division of the Dominion Department of Agriculture the apples have been held in commercial cold storage for a period of at least eight weeks at a continuous temperature of from thirty-two to thirty-three degrees Fahrenheit.

(9) Export inspection certificates to be issued under this Part by an inspector shall be in one of the following forms:

(*a*) the official export inspection certificate issued at the original point of shipment under the provisions of the Fruit, Vegetables and Honey Act (Form MF 24-D Series), shall have the following declaration, duly signed, superimposed thereon:

"In accordance with Part V of the Regulations made under the Destructive Insect and Pest Act, the shipment of Apples covered by this Export Certificate has been inspected and may be exported to .....

Inspector, Destructive Insect and Pest Act";

(*b*) the official "Inspected" card (MF 36 or MF 37) issued at the original point of shipment under the provisions of the Fruit, Vegetables and Honey Act (Form MF 36 or MF 37) shall have imposed thereon the declaration referred to in paragraph (*a*) hereof, duly signed;

(*c*) the "Release" permit issued at the original point of shipment under the provisions of the Fruit, Vegetables and Honey Act (Form MF 29-Y Series) shall have imposed thereon the declaration referred to in paragraph (*a*) hereof, duly signed; or

(*d*) the official certificate of inspection (Form PP 201) issued by an inspector of the Division of Plant Protection at the port of export.

(10) Export inspection certificates shall be dealt with as follows:

(*a*) in the case of exports by boat, the certificate shall be furnished to the ship's agent concerned at the port of export, who shall attach the same to the export entry to be filed with the Collector of Customs;

(*b*) in the case of exports by railway freight or express, the export certificate in any one of the forms specified in subsection (9) of this section shall be made available to the Collector of Customs at the port of export for filing with the export entry.

Destructive Insect and Pest Act—*continued*

(11) This Part shall apply to gift shipments offered for export.

(12) No person shall export fresh apples by parcel post to countries other than the United States of America.

(13) No common carrier, steamship company or any other person shall accept for export any fresh apples to which this Part applies unless an export inspection certificate has been issued and signed with respect thereto in accordance with this Part.

B. Potatoes

2. The export of potatoes, (*Solanum* spp.), whether for seed or other purposes, to all countries from the Province of Newfoundland, is prohibited.

Part VI—The Production and Sale of Certified Seed Potatoes

1. The production and sale of potatoes and potato eyes as seed is prohibited except in accordance with the provisions and restrictions set forth hereunder:

2. In this Part,

(*a*) "approved seed firm" means a firm whose chief business is the selling of seed, either wholesale or retail, and does not sell or have on its premises any potatoes that have not been certified as seed potatoes, or a firm which maintains a separate seed division in its establishment and is in a position to provide entirely separate storage, handling and sales of seed potatoes;

(*b*) "Class" means any class of seed potatoes established pursuant to the provisions of this Part, namely, "Certified Foundation", "Certified Foundation A", and "Certified";

(*c*) "crop" means potato crop.

(*d*) "equipment" includes all machines, implements, tools, conveyors, graders, conveyances, barrels, baskets, bags, crates, or any other equipment used in the production and handling of the potato crop;

(*e*) "Foundation A", and "Foundation", as applied to seed potatoes, mean "Certified Foundation A", and "Certified Foundation";

(*f*) "Grade" means the grade of tubers, with reference to weight only, as established pursuant to the provisions of this Part, namely, "A" (3 to 12 ounces), and "B" (1½ to 3 ounces);

(*g*) "grower" means a seed potato grower;

(*h*) "inspector" means a person appointed for carrying out the provisions of the Destructive Insect and Pest Act and Regulations thereunder;

(*i*) "Official Tag" means the tag issued by the Dominion Department of Agriculture for seed potatoes, which shall have printed on it:

(i) the class and grade of the seed to which it is to be attached;

(ii) the certificate number of the seed;

(iii) the date of tuber inspection;

(iv) the following declarations:

"The Dominion Department of Agriculture certifies that the field specified by the certificate number stamped on the front of the this tag passed inspections for

.....

(the class of the seed to be printed here)

Destructive Insect and Pest Act—*continued*

seed, and that, on the date shown a representative portion of the crop was inspected and found to be within the standards established".

"The grower certifies that this tag was attached to a container of potatoes that were grown in the field specified and were graded to the official standards for

.....

(the class of the seed to be printed here)";

(*j*) "roguing" means—

(i) the removal from tuber unit fields, and the destruction of all plants in a tuber unit and the tubers produced thereon, if any plant in the unit is found to be diseased or defective;

(ii) the removal from fields not planted in tuber units of any diseased or defective plant, and the tubers produced thereon;

(*k*) "seed potatoes" means potatoes that (i) were produced in a field that was inspected at least twice during the growing season by a duly appointed inspector and found to conform with field standards as specified in section 13; and (ii) were graded to the tuber standards as specified in section 14;

(*l*) "tuber unit" means a series of two or more consecutive plants produced from the sets cut from one tuber;

(*m*) "tuber unit field" means a field—

(a) that is planted throughout in tuber units;

(b) from which the whole unit is rogued if any plant in the unit is found to be diseased or defective.

Applications

3. (1) Applications for field inspection shall be made on the form provided and mailed not later than June 15 to the District Inspector at the address printed on the form. Applications received between June 16 and June 30 may be accepted only at the discretion of the District Inspector upon a satisfactory explanation by the applicant, and provided, further, that such inspection can be conveniently carried out.

(2) If the field is planted with seed that was not produced by the applicant,

(*a*) a tag from one container of the seed that was planted shall be attached to the application, and the remainder of the tags shall be retained by the applicant for examination by the inspector at the time of first inspection; or

(*b*) a certificate in duplicate signed by an inspector, stating that the seed could not be tagged due to the presence of scab or off-type tubers, one copy of which shall accompany the application and the other copy retained by the applicant for examination by the inspector at the time of first inspection.

(3) Applications from scattered and outlying districts shall be accepted only if, in the opinion of the District Inspector, there are special circumstances that justify the inspections.

(4) Applications for field inspections shall be refused if—

(*a*) the applicant, having received official tags during the previous season, attached such tags to containers of potatoes that were not graded to official standards;

Destructive Insect and Pest Act—*continued*

(*b*) the applicant misused any tags by attaching them to containers of potatoes that were not grown in the field specified by the certificate number stamped on the tags, or attached such tags to seed which was classed at a lower grade, or attached tags that were issued for any previous year's crop;

(*c*) potatoes other than certified seed of any of the three established classes have been planted on the applicant's farm (for the purpose of this section, the "applicant's farm" shall include any premises where the applicant is responsible for, or takes part in, the production of a potato crop, as applying to planting, cultivation, or harvesting operations, with the use of his field equipment, including bags, barrels, or other containers); or

(*d*) the applicant has failed to comply with any other requirement of this Part.

Requirements for Fields Entered for Certification

4. (1) All fields entered for certification shall be planted with either Foundation or Foundation A seed.

(2) A field planted with potatoes produced by the applicant in a field that passed inspections to Foundation or Foundation A standards shall be regarded as planted with Foundation or Foundation A seed respectively.

(3) Fields of less than one acre shall be inspected only if planted in tuber units.

(4) No potatoes shall be certified that are produced within two hundred feet of another potato field in which there is more disease than is permitted in the standards for "Certified" seed potatoes. Such isolation is not required if there is present a barrier that, in the opinion of the inspector, affords a protection of the seed field against aphid infestation.

(5) Fields that cannot be inspected adequately because of late planting, lack of cultivation, weeds, or leaf injury in the plants shall be rejected.

(6) New varieties for which certified seed tags cannot be obtained shall pass field inspections for two successive years and be licensed for sale in Canada under Regulations of the Seeds Act administered by the Production Service, Department of Agriculture, before they can be certified.

Condition and Storage of Crops Produced in Fields that have Passed Inspections

5. (1) When harvesting potatoes in a field infected with late blight, the grower shall remove all tubers visibly infected and hold the remainder for a period of at least two weeks, when a further inspection shall be made. If the crop is then within the tuber standards for late blight (dry rot), it may be graded for immediate shipment. If the disease has developed beyond the tolerance allowed, the potatoes shall not be certified immediately, but shall be held for a further period of at least sixty days for further inspection.

(2) All seed potato crops stored in bulk, whether on the farm or other premises, shall be kept entirely separate from table stock potatoes. This separation shall consist of:

(*a*) storage in a building where no table stock potatoes are present; or

(*b*) storage in a section of a building which is completely separated from any other section where table stock potatoes or any other

Destructive Insect and Pest Act—*continued*

strain or variety of seed potatoes are stored, in such a manner as to prevent, in the opinion of the inspector, any possibility of mixture with table stock potatoes, or one variety with another, either during actual storage or in grading or shipping operations.

(3) The crop shall be sufficiently free from dirt or other foreign matter to permit adequate examination of the tubers.

(4) Persons operating storage warehouses shall preserve the identity of each lot of seed potatoes held and shall give inspectors sufficient notice of the intended shipment of any such seed potatoes.

(5) Seed potatoes to be inspected shall be made accessible and so placed as to disclose their quality and condition and inspectors shall be rendered such assistance as they may require to carry out the inspections.

Tags

6. (1) Official tags shall be issued by the inspector to the grower (or his agent) for seed potatoes produced by the grower.

(2) Any loose tags found in trucks, freight cars, storages, or other premises shall be destroyed.

(3) All tags shall be removed from the original containers and destroyed before the containers are again used for the sale of potatoes or any other produce.

Marking

7. An official tag shall be attached by the grower (or his representative) to each container of seed potatoes that he markets, and shall be attached only to containers of potatoes that were produced in the field indicated by the certificate number shown on such tag; Provided, however, in the case of potatoes that are of exceptionally high quality, but have more scab or off-type tubers than are allowed in the standards, a certificate may be issued by the local inspector, and at his discretion.

Marketing

8. (1) Seed potatoes shall be marketed in closed containers of at least fifty pounds, net weight, to each of which an official tag shall be attached, except when a certificate is issued as provided for in section 7 of this Part.

(2) Containers in which seed potatoes are shipped shall be new.

Small Packages

9. (1) Notwithstanding the provisions of this Part, any approved seed firm, as defined in section 2, paragraph (*a*), may obtain from the Division of Plant Protection, a permit to repackage seed potatoes from the original containers into packages of ten, fifteen, or twenty-five pounds, provided that the firm attaches to each package a tag or label on which are stated: (1) the name of the seed firm; (2) the name of the variety, the grade and certificate number of the potatoes contained in the package. The firm shall account for and return to the District Inspector, as he may direct, all certification tags removed from the original containers.

(2) The repackaging of seed potatoes into containers of fifty pounds or more shall be carried out only by authority of and under the supervision of an inspector.

Destructive Insect and Pest Act—*continued*

Record of Sales

10. (1) Each grower to whom official tags are issued shall keep, on the form supplied to him, a record of the shipments for which the tags have been used; and shall return the completed form to the District Inspector, together with any tags issued to, but not used by him.

(2) On the instructions of an inspector, a shipper who sells certified seed potatoes shall record on the waybill or sales document the certification numbers, class and quantity of each variety. This record shall be shown on demand to an authorized inspector of the Division of Plant Protection at shipping point or destination.

Reinspections

11. (1) An inspector may reinspect seed potatoes at any time, and place under detention any potatoes found to be below standard; and no person shall sell or offer for sale, move, allow or cause to be moved, any such seed potatoes without the written authority of an inspector.

(2) An inspector may require the person in possession of potatoes placed under detention to regrade the potatoes to tuber standards as set forth in section 14.

(3) If the potatoes are not graded as required, the official tags shall be removed from the containers and destroyed under the supervision of an inspector.

Bacterial Ring Rot

12. (1) If bacterial ring rot is found in any potato field or crop, all crops on that farm shall be rejected except those seed crops that, in the opinion of the Chief, Division of Plant Protection, have been produced and stored in such a manner as to safeguard them from contamination.

(2) All crops shall be rejected, whether produced on the same farm or not, that, in the opinion of the inspector, may have become contaminated with bacterial ring rot in any manner through equipment that was used in producing the crop, or in grading or handling the crop, or in storage.

(3) Community and custom planting and digging equipment shall be disinfected to the satisfaction of the inspector before being operated in a field entered for certification.

(4) Equipment used in grading table stock shall be disinfected to the satisfaction of the inspector before being used in grading certified seed.

(5) An inspector is authorized to remove the tags from any lot or lots of potatoes bearing the same certificate number as the crop in which bacterial ring rot has been found.

(6) Growers, owners, tenants or lessees of any property, premises or place where bacterial ring rot is found shall carry out control measures as required by the inspector before again producing, storing, grading or marketing certified seed potatoes.

Field Standards

13. (1) *Certified Seed*

(*a*) *Tolerances*

The following tolerances shall be the maximum for fields in which "Certified" seed potatoes are produced:

Destructive Insect and Pest Act—*continued*

Diseases	*Per Cent of Plants* 1st Insp.	2nd Insp.
Blackleg	2	1
Wilts	2	1
Any one virus disease	2	1
Total, all virus diseases	3	2
Total, all diseases	5	3
Foreign varieties	1	0.1

(*b*) Certification tags, however, shall not be issued:

(i) For seed potatoes produced in any field in which there were present aphids or other insects, or any other adverse condition, that might cause serious deterioration of the seed stock; or

(ii) If more than five per cent of the plants are missing at the time of first or second inspection, unless the grower can satisfy the inspector that the plants had not been rogued for disease.

(2) *Foundation A Seed*

(*a*) *Tolerances*

The following tolerances shall be the maximum for fields in which Foundation A seed potatoes are produced:

(i) For fields planted in tuber units:

Diseases	*Per Cent of Units* 1st Insp.	2nd Insp.
Blackleg	2	1
Wilts	1	0.5
Any one virus disease	0.5	0.5
Total, all virus diseases	1	0.5
Total, all diseases	3	2
Foreign varieties	1	0.1

(ii) For fields not planted in units:

Diseases	*Per Cent of Plants* 1st Insp.	2nd Insp.
Total, all virus diseases	0.5	0.1
Total, all diseases	1	0.5
Foreign varieties	1	0.1

(*b*) Foundation A tags, however, shall not be issued:

(i) For seed potatoes produced in any field or plot in which there were present aphids or other insects, or any other adverse condition, that might have caused serious deterioration of the seed stock; or

(ii) If more than three per cent of the units are missing in a tuber unit field, or more than one per cent of the plants in a field not in tuber units, unless the grower can satisfy the inspector that the missing units or plants were not rogued for disease.

(3) *Foundation Seed*

(*a*) *Tolerances*

The following tolerances shall be the maximum for fields in which Foundation seed potatoes are produced:

Diseases	*Per Cent of Units* 1st Insp.	2nd Insp.
Total, all diseases	0.5	0.1
Foreign varieties	0.5	Nil

Destructive Insect and Pest Act—*continued*

(*b*) Foundation tags, however, shall not be issued:

(i) If the field in which the potatoes were produced was not planted in tuber units with a space between units greater than has been used in planting the individual hills in the unit.

(ii) For seed potatoes produced in any field or plot in which there were present aphids or other insects, or any other adverse condition, that might have caused serious deterioration of the seed stock; or

(iii) If more than one per cent of the units were missing at the time of first or second inspection, unless the grower can satisfy the inspector that the missing units were not rogued for disease.

Tuber Standards

14. (1) *Tolerances*

The following tolerances for diseases and defects shall be the maximum for seed potatoes of both grades at loading point inspections:

Disease or Defect	*Per Cent of Tubers*
Wet rots	0.1
Dry rots	1
Scab and rhizoctonia:	
Slight	10
Moderate	5
Stem end and internal discolouration other than leaf roll necrosis	4
Leaf roll (net) necrosis	1

Provided that (*a*) the total does not exceed five per cent (except in the case of slight scab or rhizoctonia); and (*b*) not more than two per cent of the tubers are off-type through malformation, or badly damaged by sunburn, cuts, cracks, bruises, insects, frost, etc., except that at destination an additional one per cent may be allowed for these defects.

(2) *Size of Tubers*

Not more than five per cent by weight of the tubers shall be below three ounces or above twelve ounces in the Foundation, Foundation A, and Certified "A" grade, except that, with respect to long varieties such as Netted Gem and White Rose, the size may be 3 ounces to 16 ounces. In the "B" grade, not more than three per cent by weight of the tubers shall be below one and one-half ounces or above three ounces. Tubers over twelve ounces or below one and one-half ounces may be certified if the purchaser specifies these special sizes. In such cases the certification tags shall be over-stamped, "Sizes as per special contract".

Potato Eyes

15. (1) Potato eyes shall be cut only from certified seed potatoes.

(2) The average weight of freshly cut potato eyes shall not be less than one-half ounce; and not more than five per cent of the eyes shall be less than three-quarters of an inch in depth.

(3) Potato eyes shall be firm and free from visible damage caused by bacteria, fungi, or insects.

(4) Each container shall have attached to it a label or tag issued by the Department. These tags shall be issued to the shipper upon evidence satisfactory to the Department being given by him that the contents of the packages to which they are to be attached conform to this Part.

Destructive Insect and Pest Act—*continued*

(5) The certificate number and the name of the variety of the certified seed potatoes from which the eyes were cut shall be stated by the shipper on the label, but the class of certified seed from which the eyes were cut shall not be stated.

General

16. *Illegal Manufacture or Sale of Tags*

The reproduction or sale or use of certified seed potato tags, other than by authority duly granted under this Part is prohibited.

Part VII—The Production and Sale of Narcissus, Tulip, Iris and Hyacinth Bulbs Grown in the Province of British Columbia

1. The production and sale of narcissus, tulip, iris and hyacinth bulbs as Foundation, Foundation Planting, Certified, Certified Planting, Commercial, or Commercial Planting, grown in the Province of British Columbia, is prohibited except in accordance with the provisions and restrictions set forth hereunder:

2. In this Part,

(*a*) "bulb" means a narcissus, tulip, iris or hyacinth bulb;
(*b*) "circumference" means the measurement of the circumference of the bulb at the greatest diameter taken at right angles to a straight line from the tip to the base of the bulb;
(*c*) "damage" means any injury from causes which materially affect the general appearance of the lot, or the shipping or growing quality of the individual bulbs;
(*d*) "double nose" means a bulb which shows evidence of producing two or more blooms;
(*e*) "inspector" means an inspector appointed under the Destructive Insect and Pest Act;
(*f*) "Official Tag" means (i) a tag or label for "Foundation", "Foundation Planting", "Certified", "Certified Planting" grades of bulbs as issued and supplied by the Chief, Division of Plant Protection, or (ii) a tag or label approved by such officer to be supplied by growers or shippers to attach to containers of "Commercial" or "Commercial Planting" grades of bulbs;
(*g*) "rounds" means a single-nosed bulb which is fairly circular in cross section and shows evidence of producing one flower;
(*h*) "well cured" means well ripened and in suitable condition for packing, shipping and a reasonable period of storage; and
(*i*) "well shaped" means appearance fully characteristic of the variety.

Sale and Shipment of Bulbs

3. No bulb grower in British Columbia shall sell any bulbs produced in British Columbia unless the requirements of this Part with respect to inspection, grading, packing and labelling have been complied with in relation to those bulbs.

4. No person shall ship and no common carrier shall accept for shipment bulbs produced in British Columbia from any place in British Columbia to any place outside British Columbia unless the requirements of this Part with respect to inspection, grading, packing and labelling have been complied with in relation to those bulbs.

Destructive Insect and Pest Act—*continued*

Grades

5. The following grades are hereby established for bulbs grown in British Columbia, namely, Foundation, Foundation Planting, Certified, Certified Planting, Commercial, and Commercial Planting.

6. Foundation and Certified bulbs are bulbs that are well cured, firm and well shaped and meet the tolerances prescribed in this Part for Foundation and Certified bulbs respectively.

7. Planting bulbs are bulbs that meet the requirements of this Part for Foundation or Certified bulbs except as to size.

8. Commercial bulbs are bulbs that meet the tolerances prescribed in this Part for that grade.

9. Commercial Planting bulbs are bulbs that meet the requirements of this Part for Commercial bulbs except as to size.

10. No bulbs shall qualify as Foundation, Foundation Planting, Certified or Certified Planting unless they were produced in fields or plots inspected under this Part.

Standards

11. The maximum tolerances for narcissus, tulip, iris and hyacinth bulbs shall be those set out in Schedule I.

12. The standards of sizes of varieties in centimetres in circumference for Foundation, Certified and Commercial grades of narcissus, tulip, iris and hyacinth bulbs shall be those set out in Schedule II.

Field Inspection

13. (1) Applications for field inspection shall be made on a form prescribed by the Chief, Division of Plant Protection, and shall be mailed not later than the fifteenth day of January to the District Inspector at the address printed on the form.

(2) Applications received between the fifteenth and the thirty-first day of January may be accepted only at the discretion of the District Inspector.

(3) All information required by the form shall be provided by the applicant.

(4) Proof of the quality and origin of the planting stock may be required at the discretion of the inspector.

(5) Applications from scattered or outlying districts shall be accepted only if, in the opinion of the inspector, there are special circumstances that justify the inspections.

(6) Applications for field inspection may be refused if

(*a*) the applicant, having received official tags for the previous season's crop, attached such tags to containers of bulbs that were not grown in the field or plot specified by the number stamped on the tags, or attached such tags to containers of bulbs that were classed at a lower grade, or deliberately utilized invalid tags;

(*b*) the applicant, during the previous shipping season, attached official tags to containers of bulbs that were not graded in accordance with this Part; or

(*c*) the applicant has failed to comply with any of the requirements of this Part or the Act.

Destructive Insect and Pest Act—*continued*

14. Fields or plots entered for inspection shall conform with the following requirements:

(*a*) bulbs used in planting shall be a part of a crop grown during the previous season and classified as Foundation, Foundation Planting, Certified or Certified Planting, except under circumstances justifying special consideration in the discretion of the inspector;

(*b*) each field or plot shall be clearly defined in area and labelled and adequate safeguards from disease contamination, satisfactory to the inspector, shall be established;

(*c*) each field or plot shall be planted with at least five thousand bulbs of a variety, except in the case of new varieties or for other reasons which, in the opinion of the inspector, justify the acceptance for inspection of a plot of lesser size;

(*d*) the planting stock shall be stock that was not forced the previous season;

(*e*) the flowers from the crop under examination shall not be cut, except to conform with normal cultural practices;

(*f*) an inspector may reject a plot by reason of insufficient growth, inadequate cultivation, physiological breakdown or drowning;

(*g*) bulb treatments applied to planting stock shall be subject to advance approval by the inspector; and

(*h*) the grower shall declare the nature of the treatment applied, if any, on the application for inspection.

Storage

15. Bulbs from crops qualifying for certification shall be stored by the grower so as to provide accurate and continuous identification of origin satisfactory to an inspector and shall be handled so as to preserve quality.

Packing

16. (1) All bulbs sold by a grower in British Columbia and all bulbs shipped from British Columbia to any place outside British Columbia shall be packed in containers other than sacks.

(2) New containers shall be used except when the bulbs are sold for planting within the district where they are grown.

Labelling

17. (1) All containers of Foundation, Foundation Planting, Certified and Certified Planting bulbs sold by a bulb grower or shipped from British Columbia to a place outside British Columbia, shall have attached or affixed thereto an official tag or label issued by the Division of Plant Protection, showing the kind and variety of bulbs in the container, the grade thereof as established by this Part, the size where applicable, grower's name and address, field inspection report number and date of issue, and shall contain a declaration under the original or facsimile signature of the bulb grower that the bulbs in the container were graded in accordance with this Part.

(2) All containers of Commercial and Commercial Planting bulbs sold by a bulb grower or shipped from British Columbia to a place outside British Columbia shall have attached or affixed thereto an approved tag or label as defined in section 2 (*f*) showing the kind and variety of

Destructive Insect and Pest Act—*continued*

bulbs in the container, the grade thereof as established by this Part, the size where applicable, and the grower's name and address or his Association number.

18. No person shall apply any grade name established by this Part to any bulbs grown in British Columbia unless the bulbs were graded, packed and labelled as required by this Part and unless the bulbs conform to all the requirements of this Part for that grade.

19. No person shall apply an official tag to any bulbs grown in British Columbia unless the bulbs in the container comply with all the statements on the tag.

20. No person shall attach to any container of bulbs any tag, certificate or label, not being an official tag, that so closely resembles an official tag that it is likely to be mistaken therefor.

Detention

21. (1) An inspector may seize and detain any containers, tags or bulbs, by means of or in relation to which he reasonably believes an offence against this Part has been committed.

(2) Where an inspector has made a seizure under subsection (1), the article seized shall be held at the risk and expense of the owner, and the requirements of this Part with respect to such article shall be complied with to the satisfaction of an inspector, or, failing such compliance, the article shall be returned to the shipper or grower or destroyed.

Schedule I

(*a*) Narcissus

The maximum tolerances for narcissus diseases, etc., shall be as follows:

Diseases, etc.	Foundation and Foundation Planting			Certified and Certified Planting			Commercial and Commercial Planting
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Bulb eelworm	0·0	0·0	0·0	2·0	0·5	1·0	2·0
Smoulder	0·5	0·25	0·1	1·0	0·5	1·0	2·0
Mosaic (Virus)	0·25	(.....	.....	0·5	(.....	.....	.....
White Streak (Virus)	.....	0·5)	.....	.....	2·5)	.....	.....
Basal rot	0·1	0·1	0·1	0·5	0·5	1·0	2·0
Mites	0·1	0·1	0·1	0·5	0·5	0·5	1·0
Mechanical and other injury	.....	.....	1·0	.....	.....	1·0	2·0
Other Diseases	1·0	0·5	0·1	1·0	1·0	1·0	1·0
Rogues	2·0	0·1	.....	2·0	0·1	.....	.....
Total defects (injury and disease)	3·0	1·0	1·0	5·0	3·0	3·0	6·0
Variation from standard size	.....	.....	5·0	.....	.....	5·0	5·0

Bulb fly—The tolerances for bulb fly shall be those established from time to time by the Chief, Division of Plant Protection.

Destructive Insect and Pest Act—*continued*

(*b*) Tulip

The maximum tolerances for tulip diseases, etc., shall be as follows:

Diseases, etc.	Foundation and Foundation Planting			Certified and Certified Planting			Commercial and Commercial Planting
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Virus	1·0	0·1	.....	2·0	0·2	.....	.....
Tulip fire (Primary only)	0·5	0·1	0·2	1·0	0·2	1·0	2·0
Storage rot	.....	.....	1·0	.....	.....	2·0	4·0
Other diseases	0·5	0·1	0·2	1·0	0·1	1·0	1·0
Mechanical and other injury	.....	.....	1·0	.....	.....	2·0	4·0
Rogues	2·0	0·1	.....	2·0	0·1	.....	.....
Total defects	2·0	0·4	1·5	3·0	0·6	3·0	5·0
Variation from standard size	.....	.....	5·0	.....	.....	5·0	5·0

(*c*) Iris

The maximum tolerances for iris diseases, etc., shall be as follows:

Diseases, etc.	Foundation and Foundation Planting			Certified and Certified Planting			Commercial and Commercial Planting
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Virus (Mottled foliage)	0·0	0·0	.....	5·0	2·0	.....	.....
Virus (Flower symptoms)	.....	0·0	.....	.....	1·0	.....	.....
Bulb eelworm	.....	.....	0·0	.....	.....	0·5	1·0
Penicillium storage rot	.....	.....	1·0	.....	.....	2·0	4·0
Other diseases	1·0	0·2	0·5	2·0	1·0	1·0	1·0
Mechanical injury	.....	.....	1·0	.....	.....	2·0	2·0
Rogues	1·0	0·1	.....	1·0	0·1	.....	.....
Total defects	2·0	0·3	1·5	5·0	2·0	3·0	6·0
Variation from standard size	.....	.....	5·0	.....	.....	5·0	5·0

(*d*) Hyacinth

The maximum tolerances for hyacinth diseases, etc., shall be as follows:

Diseases, etc.	Foundation and Foundation Planting			Certified and Certified Planting			Commercial and Commercial Planting
	First Field	Final Field	Dry	First Field	Final Field	Dry	Dry
Virus	0·5	0·1	.....	0·5	0·1	.....	.....
Bulb eelworm	0·0	0·0	0·0	0·5	0·1	0·1	0·5
Yellows (bacterial)	0·0	0·0	0·0	0·0	0·0	0·0	0·0
Slime moulds	.....	.....	0·1	.....	.....	0·5	1·0
Mites	.....	.....	0·1	.....	.....	0·5	1·0
Other diseases	1·0	0·5	0·1	1·0	1·0	1·0	2·0
Rogues	2·0	0·1	.....	2·0	0·1	.....	.....
Total defects	2·0	1·0	0·5	2·0	1·0	0·5	3·0
Variation from standard size	.....	.....	5·0	.....	.....	5·0	5·0

Destructive Insect and Pest Act—*continued*

Schedule II

(*a*) Narcissus

Variety	Extra	Double Nose		Rounds	
	(Jumbo)	Number 1	Number 2	Number 1	Number 2
Aerolite	19 up	17–19	15–17	14 up	12–14
Albo Pleno	.....	13 up	12–13	12 up	10–12
Argent	.....	15 up	13–15	13 up	11–13
Bath's Flame	.....	15 up	13–15	13	11–13
Barri Conspicuous	.....	13	12–13	11	9–11
Bernadine	.....	15	13–15	12	10–12
Buttercup	.....	14	13–14	12	10–12
Campernelles	.....	12	10–12	10	8–10
Cervantes	.....	15	13–15	13	11–13
Corinthian	.....	14	12–14	12	10–12
Croesus	.....	15	13–15	13	11–13
Crystal Queen	.....	13	12–13	11	9–11
Dawson City	.....	15	13–15	13	11–13
Double Phoenix	.....	15	13–15	13	11–13
Emperor	19 up	17–19	15–17	15	13–15
Empress	18 up	16–18	14–16	13	11–13
Firetail	.....	15 up	13–15	12	10–12
Glory of Lisse	.....	13 up	11–13	11	9–11
Glory of Sassenheim	19 up	17–19	15–17	14	12–14
Golden Sceptre	.....	14 up	13–14	12	10–12
Golden Spur	.....	15 up	13–15	12	10–12
Helios	19 up	17–19	15–17	14	12–14
Holland's Glory	20 up	18–20	16–18	15	13–15
Inglescombe	20 up	18–20	16–18	15	13–15
King Alfred	20 up	18–20	16–18	15	13–15
Lord Kitchener	19 up	17–19	15–17	14	12–14
Lucifer	.....	13 up	12–13	11	9–11
Magnificence	.....	17 up	15–17	14	12–14
Masterpiece	.....	13 up	12–13	11	9–11
Minister Talina	19 up	17–19	15–17	14	12–14
Mrs. E. H. Krelage	.....	17 up	15–17	14	12–14
Offspray	.....	17 up	15–17	14	12–14
Orangecup	.....	14 up	12–14	13	11–13
Poeticus (all)	.....	13 up	12–13	10	8–10
Princeps	.....	14 up	12–14	12	10–12
Poetas (white)	.....	15	13–15	13	11–13
Queen of the North	.....	13 up	12–13	11	9–11
Seagull	.....	13 up	12–13	11	9–11
Sir Watkin	19 up	17–19	16–17	15	13–15
Soleil d'Or	.....	.....	.....	14	12–14
Spring Glory	19 up	17–19	15–17	14	12–14
The Pearl	.....	13 up	12–13	11	9–11
Tresserve	19 up	17–19	15–17	14	12–14
Twink	.....	16 up	14–16	13	11–13
Von Sion	.....	15 up	13–15	12	10–12
Van Waveren's Giant	20 up	18–20	16–18	15	13–15
Victoria	18 up	16–18	14–16	13	11–13
Will's Scarlet	.....	13 up	12–13	11	9–11
White Lady	.....	14 up	12–14	12	10–12
The First	19 up	17–19	15–17	14	12–14

No size standard shall apply to the Foundation Planting, Certified Planting and Commercial Planting grades.

(*b*) Tulip

Variety	Extra (Jumbo)	No. 1	No. 2	No. 3
Duc Van Thol	11 up	10–11	9–10	8–9
Single Early	11 up	10–11	9–10	8–9
Double Early	11 up	10–11	9–10	8–9
Breeder	12 up	11–12	10–11	9–10
Darwin—:				
A. Large and Medium Bulb varieties	13 up	12–13	11–12	10–11
B. Small Bulb varieties	12 up	11–12	10–11	9–10
Cottage and May flowering	12 up	11–12	10–11	9–10

No size standard shall apply to the Foundation Planting, Certified Planting and Commercial Planting grades.

Destructive Insect and Pest Act—*continued*

(*c*) Iris

Variety	Extra (Jumbo)	No. 1	No. 2	No.3
Tingitana hybrids—				
David Bless	11 up	10–11	9–10	8½–9
The First	11 up	10–11	9–10	8½–9
Wedgewood	11 up	10–11	9–10	8½–9
Supreme	11 up	10–11	9–10	8½–9
Dutch hybrids—				
Adrian Backer	9 up	8–9	7–8	6–7
Bloemart	9 up	8–9	7–8	6–7
Blue Horizon	9 up	8–9	7–8	6–7
Celestial	9 up	8–9	7–8	6–7
D. Haering	9 up	8–9	7–8	6–7
Early Snow (Franz Dekker)	9 up	8–9	7–8	6–7
E. B. Carnier	9 up	8–9	7–8	6–7
Golden Bronz	9 up	8–9	7–8	6–7
Golden Glory	9 up	8–9	7–8	6–7
Hart Nibbrig	9 up	8–9	7–8	6–7
Hachtenberg	9 up	8–9	7–8	6–7
Imperator	9 up	8–9	7–8	6–7
Indian Chief (Verschuur)	9 up	8–9	7–8	6–7
J. A. Marthan	9 up	8–9	7–8	6–7
J. de Wit	9 up	8–9	7–8	6–7
J. de Wilde	9 up	8–9	7–8	6–7
Leonardo da Vinci	9 up	8–9	7–8	6–7
Poggenback	9 up	8–9	7–8	6–7
Rembrandt	9 up	8–9	7–8	6–7
S. Rombout	9 up	8–9	7–8	6–7
Theresa Schwartz	9 up	8–9	7–8	6–7
Theo Wyjck	9 up	8–9	7–8	6–7
White Excelsior	9 up	8–9	7–8	6–7
Van Everdingen	9 up	8–9	7–8	6–7
Yellow King (Verbeck)	9	8–9	7–8	6–7
Yellow Queen	8	7–8	6–7	5–6
Spanish Iris—				
Cajanus	7	6–7	5–6	.....
King of Blues	7	6–7	5–6	.....
King of Whites	7	6–7	5–6	.....
King of Yellows	7	6–7	5–6	.....
Prince Henry	7	6–7	5–6	.....

No size standard shall apply to the Foundation Planting, Certified Planting and Commercial Planting grades.

(*d*) Hyacinth

Variety	Extra (Jumbo)	No. 1	No. 2	No. 3
All varieties	19 up	18–19	16–18	15–16

No size standard shall apply to Foundation Planting, Certified Planting and Commercial Planting grades.

Part VIII—Destructive Insect and Pest Act Advisory Board

(Originally constituted by Order in Council P.C. 840 of 21 April, 1922, and reconstituted by Order in Council P.C. 7095 of 15 September 1944)

1. The Destructive Insect and Pest Act Advisory Board shall consist of at least five members, constituted by the Minister of Agriculture from officials of the Department; two of the said members shall be designated chairman and secretary, respectively, of the Board.

Destructive Insect and Pest Act—*concluded*

2. The Board shall consider and recommend such amendments to the Destructive Insect and Pest Act and Regulations thereunder as it may deem necessary in the public interest, and advise the Chief, Division of Plant Protection, as required, in the formulation of policies with respect to the administration thereof.

3. The services of such other officers of the Department as may be required from time to time shall be made available to the Board, and the Board may, when it is deemed necessary and desirable, obtain the advice and assistance of any other person.

DIPLOMATIC SERVICE (SPECIAL) SUPERANNUATION ACT. (1947, c. 56)

Diplomatic Service (Special) Superannuation Regulations

P.C. 5167

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 16th day of December, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS The Diplomatic Service (Special) Superannuation Act, provides that a public official may, in certain circumstances set out therein, contribute under that Act in respect of certain prior service, the contribution to be made in one sum or by instalments of an equivalent value payable, by reservation from salary or otherwise, for life, or for a period of years or for life, whichever is the shorter, the said instalments to be computed on such basis as to mortality and rate of interest as the Governor in Council may by regulation prescribe;

AND WHEREAS it is advisable that regulations be made for this purpose corresponding to the regulations made under the Civil Service Superannuation Act for the same purpose;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Secretary of State for External Affairs and pursuant to the provisions of The Diplomatic Service (Special) Superannuation Act, is pleased to make and doth hereby make the following regulations:

1. These regulations may be cited as the Diplomatic Service (Special) Superannuation Regulations.

2. In these regulations

(*a*) "Act" means The Diplomatic Service (Special) Superannuation Act; and

(*b*) "contributor" means a Public Official who contributes pursuant to the Act.

Diplomatic Service (Special) Superannuation Act—*continued*

3. Where a contributor elects to contribute by instalments in respect of prior service pursuant to section six of the Act, the instalments shall be payable in equal amounts and shall be computed on the basis of the British Offices Life Tables, 1893, Om. (5) with interest at the rate of four per cent per annum.

4. For the purpose of computing interest on arrears of contribution pursuant to subsection four of section six of the Act, the total salary received by a contributor during a fiscal year shall be deemed to have been received on a day that is midway between the first and last days of the said fiscal year.

5. Where a contributor elects to contribute in respect of prior service by one of the methods of contribution set out in subsection four of section six of the Act, he may thereafter from time to time elect to contribute in respect of such prior service by any other method of contribution set out in that subsection if such further election shortens the period during which contributions are to be made.

His Excellency in Council, on the same recommendation, is further pleased, hereby, to direct as follows respecting the manner in which the Diplomatic Service (Special) Superannuation Act shall be administered:

(1) The Act shall be administered by the Superannuation Branch of the Department of Finance.

(2) Recommendations for granting pensions under the Act shall be made by the Secretary of State for External Affairs.

(3) Where a contributor makes an election pursuant to subsection one of section eight of the Act, the election shall be in the form set out in Schedule A of these directions or in a form to the like effect or containing like information to that required in that form.

(4) A recommendation for the payment of a pension to a contributor, where the contributor has not made an election under section eight of the Act or where the wife is deceased, shall be accompanied by

(*a*) the birth certificate, or a notarial copy thereof, of the contributor; and

(*b*) if the contributor retired by reason of permanent infirmity, a certificate of a qualified medical practitioner that the contributor is afflicted with a permanent infirmity disabling him from the due execution of his office in a Form J prescribed under the regulations of the Civil Service Superannuation Act or in a form to the like effect.

(5) A recommendation for the payment of a pension to a contributor and to his wife shall be accompanied by the documents required under paragraph (4) of these directions and by the marriage certificate of the contributor.

(6) A recommendation for the payment of a pension to the widow of a contributor shall be accompanied by

(*a*) the marriage certificate of the contributor, and

(*b*) proof of death of the contributor.

N. A. ROBERTSON,
Clerk of the Privy Council.

Diplomatic Service (Special) Superannuation Act—*concluded*

SCHEDULE A

DEPARTMENT OF EXTERNAL AFFAIRS
CANADA

The Diplomatic Service (Special) Superannuation Act, Chapter 56, Statutes of Canada, 1947.

Name .....
Present Position .....
Present Address .....
Full Name of Wife .....

I hereby elect to accept a pension authorized by subsection (1) of section 8 of the Diplomatic Service (Special) Superannuation Act.

Signed at.....this.....day of....., 19...

.....
Signature

NOTE: This form should be completed in triplicate, two copies to be sent to the Department of Finance, Ottawa, in an envelope marked "Superannuation Branch", the third copy to be retained by the signatory.

DISTILLERIES, REGULATIONS GOVERNING

See EXCISE ACT

DISTRESSED SEAMEN

See SHIPPING (Canadian Distressed Seamen Regulations).

DOCKS, WHARVES AND PIERS

See DEPARTMENT OF TRANSPORT ACT (Canals); GOVERNMENT HARBOURS AND PIERS ACT; NATIONAL HARBOURS BOARD ACT; SHIPPING.

DOMINION COAL BOARD ACT

See COAL AND COKE.

DOMINION ELECTIONS ACT, 1938. (1938, c. 46)

1. *Regulations respecting electors on defence service, etc.*
2. *Tariff of fees and allowances for returning officers, etc.*

1. Regulations respecting electors on defence service and veterans receiving treatment

The Canadian Defence Service Voting Regulations (To enable Canadian electors on Defence Service and Veterans receiving treatment or domiciliary care in certain hospitals or institutions to exercise their franchise at a general election) are contained in Schedule Three to *The*

Dominion Elections Act—*concluded*

Dominion Elections Act, 1938, as amended by chapter 46 of the Statutes of 1948, section 109A. These Regulations apply only to a general election held in Canada and do not apply to a by-election.

2. Tariff of fees and allowances for returning officers, etc.

Subsection one of section sixty of *The Dominion Elections Act, 1938,* provides that the Governor in Council may, upon the recommendation of the Chief Electoral Officer, make a tariff of fees, costs, allowances and expenses to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff. The tariff in effect on December 31st, 1949, is that established by Order in Council P.C. 3221 of 20th July, 1948, as amended by Order in Council P.C. 2139 of 28th April, 1949. It is contained in the volume of *General Election Instructions* (Book A 32) and the volume of *By-Election Instructions* (Book A 31) issued by the Chief Electoral Officer, copies of which may be obtained on application to the King's Printer, Ottawa, Price: twenty-five cents.

DOMINION LANDS ACT. (R.S.C., 1927, c. 113)

See also DOMINION LANDS SURVEYS ACT; LAND TITLES ACT; MINES AND RESOURCES, DEPARTMENT OF; ORDNANCE AND ADMIRALTY LANDS ACT; PUBLIC LANDS GRANTS ACT.

1. *Dominion Lands Administration, Central Office of Record.*
2. *Leasing of lots, Cameron Bay Settlement, N.W.T.*
3. *Licences of occupation, reserved areas, Y.T.*
4. *Yukon Land Regulations.*
5. *N.W.T. Timber Regulations.*
6. *N.W.T. Quartz Mining Regulations.*
7. *Dredging Regulations.*
8. *Domestic Coal Regulations.*
9. *Coal Mining Regulations.*
10. *Disposal of Petroleum and Natural Gas rights, N.W.T. and Yukon.*
11. *N.W.T. Placer Mining Regulations.*
12. *Quarrying Regulations.*
13. *N.W.T. Sand and Gravel Regulations.*
14. *Yukon Timber Regulations.*
15. *N.W.T. Hay and Grazing Regulations.*
16. *Boundaries of Mining, Land and Timber Districts, N.W.T.*
17. *Disposal of lots in the Settlements of Aklavik, Hay River and Yellowknife in the Northwest Territories.*

1. Dominion Lands Administration—Central Office of Record

P.C. 258

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 12th day of February, 1934.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, is pleased to order and it is hereby ordered that the Office of the Dominion Lands Administration of the

Dominion Lands Act—*continued*

Department of the Interior, Ottawa, shall be the central office of record for all lands owned, or otherwise controlled by the Dominion of Canada, and that the several Departments of the Federal Government shall furnish the Department of the Interior with whatever information is necessary to maintain an adequate record of these properties.

N. A. ROBERTSON,
Clerk of the Privy Council.

2. Regulations for the leasing of lots, Cameron Bay Settlement, Northwest Territories

P.C. 1208

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 12th day of June, 1934.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Minister of the Interior reports that as a preliminary step towards laying out a settlement at Cameron Bay, Great Bear Lake, in the Northwest Territories, an Order in Council was passed on the 4th April, 1933, P.C. 518, reserving from disposal the surface rights of a certain tract of land at this point, subject to the rights of the recorded owners of the quartz mining claim affected, and authorizing the local Sub-Mining Recorder to grant permits to interested persons to occupy during pleasure sites within the reserved tract;

That during the summer of 1933 a certain area in the tract so reserved was surveyed into a settlement, known as Cameron Bay Settlement, and a plan thereof was approved and confirmed by the Surveyor General of Dominion Lands on the 9th December, 1933;

That the surveyor who laid out the settlement valued the several lots therein at $15, $20, and $25, according to their size and location; and

That, in order that the Department of the Interior may be in a position to deal with the several persons who have erected buildings at this point and others who may require sites, it is deemed advisable to establish regulations for the leasing of lots in this Settlement;

THEREFORE His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior, is pleased to order as follows:

1. The reservation effected by the aforementioned Order in Council of the 4th April, 1933, is hereby withdrawn in so far as it affects the lots included in Cameron Bay Settlement; and

2. The following regulations are hereby made and established for the leasing of such lots:

(1) Leases may be issued for a term of 5 years at an annual rental equivalent to one-fifth of the valuation of the leasehold.

(2) Leases may be renewed for a further term of 5 years at an annual rental of $1.00.

Dominion Lands Act—*continued*

(3) Notwithstanding anything contained in the foregoing provisions, leases may be issued for church, cemetery, hospital or school purposes for a term of 5 years at an annual rental of $1.00 per lot, and any such lease may be renewed for a further like term at the same rental.

(4) A fee of $1.00 shall be chargeable for the preparation of each lease.

(5) Leases shall be subject to the rights of the recorded owner of any quartz mining claim affecting the leasehold, as such rights are defined in the regulations in that behalf.

(6) Lessees shall take such measures as may be necessary to ensure the maintenance of proper sanitary conditions.

(7) Leases shall contain provision for resuming possession on 6 months' notice, in the event of the leasehold or any part thereof being required for any purpose which the Minister may deem to be in the public interest.

(8) Leases shall contain provision that His Majesty shall not be held responsible for any damage which may result from subsidence or any other cause due to mining operations.

(9) Leases to be subject to the usual conditions and to contain such further provisions as may be deemed necessary by the Minister.

N. A. ROBERTSON,
Clerk of the Privy Council.

3. Licences of occupation, reserved areas, Yukon Territory

P.C. 2569

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of July, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS Order in Council P.C. 11142 of December 8th, 1942, as amended by Order in Council P.C. 7101 of September 15, 1944, reserved an area in the South West corner of Yukon Territory from entry or alienation pending a decision in regard to the establishment of a National Park;

AND WHEREAS by Order in Council P.C. 9030 of November 30, 1944, persons were permitted to prospect and record mineral claims in the area above referred to subject to the conditions set out in said Order in Council P.C. 9030;

AND WHEREAS the Acting Minister of Mines and Resources reports that some prospectors have requested permission to be allowed to occupy certain small portions of the area reserved;

NOW, THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Acting Minister of Mines and Resources and pursuant to the Dominion Lands Act, Chapter 113, R.S.C. 1927, is pleased to authorize and doth hereby authorize the Minister of Mines and Resources, notwithstanding the provisions of said Order in Council P.C.

Dominion Lands Act—*continued*

11142, as amended, to grant licences of occupation of portions of such area for one year, with a right of renewal of such licence for not more than five consecutive years, subject to the payment of rent at the rate of $1. per acre per year, the licences and renewals thereof to contain such additional clauses as the Minister of Mines and Resources may deem necessary for the protection of the area reserved.

N. A. ROBERTSON,
Clerk of the Privy Council.

4. The Yukon Land Regulations

P.C. 2316

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the Provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to order as follows:

1. The Regulations governing the Administration and Disposal of Dominion Lands in the Yukon Territory, made by Order in Council P.C. 4105 of 15th September, 1948, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations governing the Administration and Disposal of Dominion Lands in the Yukon Territory" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations Governing the Administration and Disposal of Dominion Lands in the Yukon Territory

SHORT TITLE

1. These regulations may be cited as *The Yukon Land Regulations.*

INTERPRETATION

2. In these regulations,

(*a*) "agent" means any person employed in connection with the administration, management, sale or settlement of Dominion lands; "local agent" means the agent so employed with respect to lands in a defined district;

Dominion Lands Act—*continued*

(*b*) "Department" means the Department of Mines and Resources;
(*c*) "Director" means the Director of the Lands and Development Services Branch of the Department of Mines and Resources;
(*d*) "Dominion lands" or "lands" or "land" means lands of the Dominion of Canada in the Yukon Territory;
(*e*) "legal post" means a stake or post of any kind of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above ground. The post shall be of such diameter that when squared or faced for eighteen inches from the top end, each face of the squared or faced portion shall not be less than four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring or facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width. Whether a post is planted or a stump of a tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of stones or earth to be not less than three feet in diameter on the ground, and not less than eighteen inches high, cone-shaped and well constructed;
(*f*) "Minister" means the Minister of Mines and Resources;
(*g*) "Territory" means the Yukon Territory;
(*h*) "timber agent" means the local officer of the Department appointed to collect dues on, and to perform such other duties as are assigned to him in respect to the timber on Dominion lands.

UNSURVEYED LAND TO BE STAKED

3. (1) A person who desires to lease or purchase Dominion land which is not surveyed shall stake the land he desires to lease or purchase in the manner prescribed in this section.

(2) The land applied for shall be as nearly as possible in the form of a rectangle (the depth of which shall, at least, be equal to the breadth, but not greater than twice the breadth). The land shall be marked by the applicant with four legal posts firmly fixed in the ground, one at each corner, but in case the land applied for is not rectangular one post shall be placed at each corner thereof. Posts shall be numbered in consecutive order from one upwards in the direction of the staking. The lines joining the posts shall be well cut and marked and on each post shall be written a legible notice containing the number of the post, the full name of the applicant, the date of staking, the nature of the application, the area applied for, and the distance in feet to the next post.

(3) When fronting on a river, navigable stream, lake or road, the land applied for shall be marked on such frontage by two legal posts firmly fixed in the ground; one at each end of the front boundary of the land and in the case of a river or navigable stream or lake, set at least one hundred feet from the ordinary high-water mark; parallel lines shall be drawn from each end of the front line, if possible, at right-angles thereto and shall extend back to a depth at least equal to the dimension of the frontage but not greater than twice the dimension of the frontage.

(4) Except with the permission of the Director, no land shall be located by any person:

Dominion Lands Act—*continued*

(*a*) within one hundred feet of the ordinary high-water mark of a river, navigable stream or lake;

(*b*) on both sides of a highway, road, river, navigable stream or lake.

APPLICATIONS TO LEASE OR PURCHASE LAND

4. An application, in duplicate, to lease or purchase land shall be made to the agent or local agent on a form to be supplied by the Department and shall be accompanied by a fee of five dollars which may be returned to the applicant if the Department is not prepared to lease or sell the land, but not otherwise, and in the case of unsurveyed land shall be filed with the agent or local agent within thirty days of staking.

5. An application to lease or purchase unsurveyed land shall contain a description by metes and bounds of the location applied for and shall be accompanied by a plan, in duplicate, showing the position of such location in its relation to some topographical feature, surveyed line or other known point. The plan shall contain sufficient data to admit of the location applied for being definitely shown in the records of the Department.

6. An application to lease or purchase land shall also show:

(*a*) whether the lands or any part of them have been improved or are occupied;

(*b*) the nature and value of the improvements, if any;

(*c*) by whom the land is occupied and the purposes of the occupation.

7. The agent or local agent shall forward a copy of each application to the Director and shall thereafter cause the land to be inspected and shall forward the Inspector's report and his own recommendations to the Director.

8. (1) If a dispute arises among the persons who have each made application to lease or purchase the same land, the local agent shall make an investigation and obtain statements from each of the applicants respecting the facts and shall forward his report together with such statements to the Minister whose decision as to which application shall have priority under these regulations shall be final.

(2) The Minister may direct that any or all applications in such cases be refused.

SALES OF LAND—GENERAL

9. Land in the Territory may be sold in accordance with the provisions of these regulations.

10. The maximum area which may be sold to a person in any one locality shall not exceed 160 acres.

11. No land shall be sold which in the opinion of the timber agent, is valuable for its timber.

12. (1) Land sold in the Territory shall be subject to the following reservations, exceptions and conditions:

(*a*) a reservation of all navigable and other waters that are or may be hereafter found on, under or adjoining, or flowing through, upon or alongside the lands or any part thereof, together with the free

Dominion Lands Act—*continued*

uses, passage and enjoyment of, in, over and upon such waters including the right to divert and use, and to grant to others the right to divert and use the same for any purpose free from any claim of the grantee or riparian proprietor or otherwise howsoever;

(*b*) a reservation of all mines and of all minerals whether solid, liquid or gaseous, which may be found to exist therein, upon or under the lands together with full powers to work the same, and for that purpose to enter upon, use and occupy the lands or so much thereof and to such an extent as may be necessary for the effectual working and extracting of the said minerals;

(*c*) a reservation of such right or rights of way and of entry as may be required under any regulations in that behalf, in connection with the construction, maintenance and use of works for the conveyance of water for use in mining operations;

(*d*) a reservation of all rights of fishery and fishing and occupation in connection therewith, upon, around, and adjacent to the lands, and the privilege of landing from and mooring boats and vessels upon any part of the lands and using the lands in connection with such rights so far as may be reasonably necessary to the exercise thereof;

(*e*) a reservation of such part or parts of the land as may from time to time be appropriated by the Commissioner in Council of Yukon Territory for the purpose of a public road or roads, in which event, if payment has been made for the said lands, a refund of purchase money shall be made to the purchaser, his heirs, executors, administrators, successors or assigns, proportionate to the area of the land so taken;

(*f*) if at any time subsequent to the date of sale of any land other than townsite lots, the same or a portion thereof should be shown to be of value as a townsite, and if the owner surveys the land, or any portion thereof, into townsite lots, or if the Department upon consent of the owner surveys the land or any portion thereof into townsite lots, then it shall be a condition of the original sale that His Majesty in the right of Canada shall own one-third of the blocks of lots in such townsite, that is to say, the owner shall own two-thirds of the lots and His Majesty one-third;

(*g*) if at any time within ten years from the date of sale of any land other than townsite lots, the same or any portion thereof, is occupied or used as a townsite by the residents thereon at the rate of four hundred persons to a square mile, the Minister shall have the right to have the same surveyed into townsite lots if he so desires, and it shall be a condition of the original sale that His Majesty in the right of Canada shall own one-third of the lots in such townsite, that is to say, the owner shall own two-thirds and His Majesty one-third.

(2) The Minister may direct that such other reservations, exceptions and conditions as he may consider necessary in the public interest, be included in any patent to be issued.

13. (1) Land required for agricultural purposes shall not be sold for less than $3.00 per acre and other land shall not be sold for less than $10.00 per acre.

(2) The provisions of subsection (1) shall not apply to townsite lots.

Dominion Lands Act—*continued*

SALE OF SURVEYED LANDS

14. (1) Townsite lots may be sold by public auction or tender.

(2) Where a townsite lot has been inspected and valued by a valuator appointed for the purpose and the value of the lot is less than five thousand dollars such lot may be sold by private contract with the approval of the Minister for an amount not less than the valuation.

(3) Payment for townsite lots shall be made according to one or other of the following methods:

(*a*) payment in full at the time of sale; or

(*b*) payment of one-third of the purchase price to be made at the time of sale and the balance in two equal payments of six and twelve months respectively, together with interest upon the unpaid balance at the rate of five per cent per annum.

15. (1) Where a tract or parcel of surveyed land, other than townsite lots has been inspected and valued by a valuator appointed for the purpose, and the value of such tract or parcel of land is less than five thousand dollars, such tract or parcel of land may be sold by private contract with the approval of the Minister for an amount not less than the valuation.

(2) Payment for such surveyed lands shall be according to one or other of the following methods:

(*a*) payment in full at the time of sale; or

(*b*) payment of not less than twenty per cent of the purchase price to be made in cash at the time of sale and the balance in five equal annual instalments, together with interest on the unpaid balance at the rate of five per cent per annum.

SALE OF UNSURVEYED LAND

16. Subject to the approval of the Director the applicant may have unsurveyed land surveyed at his own expense under instructions from the Surveyor-General of Dominion Lands.

17. An applicant who does not wish to have unsurveyed land surveyed at his own expense, may apply for a lease or permit to occupy the land in accordance with these regulations. After he has occupied the land for three consecutive years, under the authority of a lease or permit to occupy, the Department may arrange to have the land surveyed at departmental expense at such time as the survey may be undertaken at a minimum cost to the Department.

18. The Director may, where special circumstances warrant, arrange to have the land surveyed by the Department at the earliest convenient date.

19. Upon approval of the survey by the Surveyor-General, the lands may be sold in accordance with provisions of these regulations.

LEASES—GENERAL

20. Land in the Territory may be leased in accordance with the provisions of these regulations.

Dominion Lands Act—*continued*

21. A lease shall be in such form and shall contain such provisions not inconsistent with these regulations, as may be determined by the Minister.

22. A lease shall be for a term of not more than ten years, but the Minister may upon the written request of a lessee made at least one month prior to the expiration of the term of the lease, grant to him a renewal lease for a further term not exceeding ten years.

23. (1) The rental payable under any lease for purposes other than grazing shall be fixed by the Director in each case, based upon the area, the nature and location of the land applied for and the purpose for which the land is to be used, and shall in no case be less than six per cent of the valuation of the land.

(2) The rental payable under a grazing lease shall not be less than two cents per acre per annum.

(3) The rental payable under any lease shall in no case be less than five dollars per annum.

(4) The rental shall be payable yearly in advance.

(5) The annual rental under each lease shall be subject to review and alteration by the Director at the end of each five-year period.

24. Land leased shall be subject to:

(*a*) a reservation of all mines and of all minerals whether solid, liquid or gaseous, which may be found to exist within, upon, or under such lands together with the full powers to work the same and for that purpose to enter upon, use and occupy the lands or so much thereof and to such an extent as may be necessary for the effectual working and extracting of the said minerals;

(*b*) a reservation of the rights of the recorded owners of the mineral claims (if any) affecting the land, to enter upon, use and occupy the surface of the claim or such portion thereof and to such extent as the Minister may consider necessary for the efficient and miner-like operation of the minerals contained in the claim (including the right to cut such of the timber on the claim or such portion thereof as may be necessary for the working of same) but for no other purpose;

(*c*) a reservation of all timber which may be upon the lands, and the timber agent may grant timber permits under the provisions of the regulations in that respect to cut and remove timber which may be found within the limits of the leasehold, subject to such conditions for the protection of the interests of the lessee as the timber agent may deem proper;

(*d*) a reservation of the right to enter upon, work and remove any rock outcrop required for public purposes;

(*e*) a reservation of such right or rights of way and of entry as may be required under any regulation in force in connection with the construction, maintenance and use of works for the conveyance of water for use in mining operations;

(*f*) a reservation of the right to enter upon the land for the purpose of installing and maintaining any public utility, public service or electric transmission line, found to be necessary by the Director.

Dominion Lands Act—*continued*

25. The lease shall contain a provision that the lease may be cancelled or any portion of the land withdrawn by giving the lessee six (6) months' notice in writing.

26. (1) If a lease is cancelled or expires or any portion of the land is withdrawn from the lease, the lessee shall, provided there are no arrears of rent or taxes, have the right to remove within three months, any improvements owned by him which may be on the leasehold at the time his lease is cancelled or expires, or a portion of the land is withdrawn from the lease.

(2) If the lessee does not remove his improvements before the land is again disposed of, the local agent or other officer of the Department shall make an appraisal of the improvements which have been left on the land by the lessee and the Director may direct the sale of the same.

(3) Out of any money realized by the sale, the Director may, after deducting any expenses of sale and any arrears of rent and taxes, pay to the former lessee, the balance realized from the sale of improvements.

27. A lessee desiring to assign his lease shall pay all outstanding rental and furnish the Department with a properly executed, unconditional assignment, in duplicate, of the lease, a registration fee of $3.00 and evidence from the proper official of the Territorial Government and Municipal or other local authority, if any, that all taxes on the lands covered by the assignment have been paid.

Grazing Leases

28. A lease for grazing purposes shall contain the following covenants, conditions and stipulations:

(*a*) the lessee shall not during the term of the lease use or allow to be used any part of the lands and premises demised for any purpose other than grazing purposes;

(*b*) the lessee shall not permit any livestock other than his own to graze on the area covered by his lease;

(*c*) during each of the first three years of his lease, the lessee shall place on the land leased to him, not less than one horse, or one head of cattle or five sheep, over the age of one year, for every two hundred and forty acres leased to him;

(*d*) during each year after the first three years of his lease, the lessee shall have and maintain not less than one horse or one head of cattle or five sheep over the age of one year, for every eighty acres leased to him, provided however that if upon inspection it is found that the land described in the lease will support more livestock than the number specified, the Director may require the lessee to place and maintain additional livestock thereon;

(*e*) the lessee shall, within one year from the date of the execution of the lease by the Department, furnish a statutory declaration showing that he is owner of and has the required number of livestock on the leasehold, and thereafter, shall furnish a statutory declaration to the Department on the first day of July in each year, or at such other time as the Department may require, showing the number of livestock on the leasehold;

Dominion Lands Act—*continued*

(*f*) the lessee shall be entitled to the hay on the property comprised in his lease, but shall not sell or barter the same unless he has obtained a permit issued under the provisions of these regulations;

(*g*) the lessee may cultivate any portion of his leasehold for the purpose of growing winter feed for his stock, but shall not have the right to dispose of any such feed by barter or sale;

(*h*) in no case shall a lessee be allowed to assign, transfer or sublet his lease unless he has placed at least one-half the required number of stock on the leasehold, which stock shall be his own property.

PERMITS

29. The Director may authorize the issue of a permit to occupy Dominion lands to any person in the Territory where it is found difficult owing to the fact that the land is not surveyed or to its inaccessibility, to provide an adequate description of the land, or where the land is required temporarily only, provided:

(*a*) that the applicant shall pay an application fee of $5.00 which may be returned to the applicant if the Department is not prepared to grant the application, but not otherwise;

(*b*) that the applicant shall pay in advance, such rental as the Director may consider fair and just;

(*c*) that the privilege shall be subject to cancellation at any time upon giving three months' notice;

(*d*) that the permit shall not be assigned or transferred.

PERMITS TO CUT HAY

30. The local agent or any other officer authorized by the Minister may, subject to the provisions of these regulations:

(*a*) issue a permit to a settler who is the owner of stock to cut hay on vacant Dominion lands, for his own use but not for barter or sale;

(*b*) issue a permit to any person to cut hay on vacant Dominion lands for the purpose of sale.

31. No hay shall be cut on Dominion lands prior to a date to be fixed each year by the local agent.

32. (1) Applications from owners of stock to cut hay on vacant Dominion lands for their own use in any year may be received and permits issued on and after the first day of May in that year.

(2) Applications to cut hay for sale in any year shall not be entertained by the local agent prior to the tenth day of May in that year.

33. (1) A permit to a settler who is the owner of stock to cut hay for his own use, may be issued upon payment in advance of a permit fee of $1.00 and twenty-five cents per ton for each ton of hay the applicant desires to cut.

Dominion Lands Act—*continued*

(2) A permit to any person to cut hay for sale, may be issued upon payment in advance of a permit fee of $1.00 and $1.00 per ton for each ton of hay the applicant desires to cut, but shall only be issued after the local agent is satisfied that the needs of the stockowners in the district have been met.

34. (1) Each permit shall describe the lands upon which the permittee may cut hay.

(2) Hay, when cut by a permittee or his servants or agents upon Dominion lands, specified in his permit and up to the amount of hay authorized therein, shall be the property of the permittee.

35. The holder of a hay permit who makes improvements on a hay meadow covered by his permit to the satisfaction of the local agent, shall be given priority if he applies for a permit on such hay meadow from year to year, provided that the land is available and he has complied with all the requirements of the regulations.

36. A half-breed, Indian or Eskimo who is a resident of the Territory may, upon application to the local agent, be granted a free permit to cut hay for his own use, but in no case shall such person receive a permit for a greater amount of hay than five tons per head for the stock of which he is the sole owner.

37. (1) Upon expiration of his permit, the permittee shall return his permit to the local agent with the affidavit on the back thereof properly completed, or if the permit has been lost, he shall complete an affidavit in the same form and forward it to the agent.

(2) No further permit shall be issued to an applicant, if he fails to comply with the provisions of the preceding sub-section.

38. No person shall cut hay on vacant Dominion lands without a permit.

FEES

39. The fees to be charged in connection with the administration of these regulations shall be as follows:

(1) Application fees:

(*a*) To purchase land	$5.00
(*b*) To lease land	5.00
(*c*) To renew a lease	5.00
(*d*) To occupy land	5.00
(2) Assignment of a lease (registration)	3.00
(3) Certified copy of a lease	2.00
(4) Permit to cut hay	1.00

Dominion Lands Act—*continued*

5. The Northwest Territories Timber Regulations

P.C. 2317

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to order as follows:

1. The Regulations for the disposal of Timber in the Northwest Territories, made by Order in Council P.C. 5007 of 8th December 1947, are hereby revoked as of the date on which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations for the disposal of Timber in the Northwest Territories" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Disposal of Timber in the Northwest Territories

SHORT TITLE

1. These Regulations may be cited as *The Northwest Territories Timber Regulations.*

INTERPRETATION

2. In these Regulations, unless the context otherwise requires,

(*a*) "Department" means the Department of Mines and Resources.

(*b*) "Deputy Minister" means the Deputy Minister of Mines and Resources.

(*c*) "Director" means the Director of the Lands and Development Services Branch, Department of Mines and Resources.

(*d*) "Dominion lands" or "lands" or "land" means lands of the Dominion of Canada to which these Regulations apply.

Dominion Lands Act—*continued*

(*e*) "Forest Officer" means any person appointed by the Department with respect to the conservation and development of forest resources.

(*f*) "Legal Post" means a stake or post of any kind of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above ground. The post must be of such diameter that when squared or faced for eighteen inches from the top end, each face of the squared or faced portion shall not be less than four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width. Whether a post is planted or a stump of tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground and not less than eighteen inches high, cone-shaped and well constructed.

(*g*) "Minister" means the Minister of Mines and Resources.

(*h*) "Superintendent" means the Superintendent of Forest and Wildlife Management of the Northwest Territories.

(*i*) "Timber Agent" means the local officer of the Department of Mines and Resources appointed to collect dues on, and to perform such other duties as are assigned to him in respect to the timber on Dominion Lands in the Northwest Territories.

(*j*) "Timber Inspector" means any Game Warden, Park Warden, Forest Officer, or other employee of the Department, detailed by the Department to make inspections in connection with these Regulations.

3. (1) Timber Agents in the Northwest Territories are authorized to administer and enforce these Regulations and may issue permits to cut timber or cordwood upon available Dominion Lands in the Northwest Territories in accordance with the provisions of these Regulations.

(2) Employees of the Department and members of the Royal Canadian Mounted Police located in the Northwest Territories are authorized to act under the direction of the local Timber Agent in administering and enforcing these Regulations and are authorized to issue timber permits in accordance with the provisions of these Regulations, except permits issued under the provisions of Section twenty-one, hereof.

Applications and Permit Conditions

4. An application for a timber permit shall be made to the local Timber Agent on a form to be furnished by the Department for the purpose.

5. Applications for the cutting of green timber may be refused if there is within reasonable distance of the applicant a sufficient quantity of dry timber suitable for the purpose for which the timber is required.

6. Except with the consent of the Director, no permits shall be issued to cut green timber on areas where it is deemed by the Superintendent that proper forest management requires the prohibition of such cutting.

Dominion Lands Act—*continued*

7. On the advice of the Superintendent, the Timber Agent may add special conditions to a permit to ensure that cutting operations are conducted in accordance with approved silvicultural methods and that logging roads are constructed with a minimum of damage to standing timber.

8. Only such material shall be cut as is authorized by the permit and cutting shall only be done on the lands described in the permit.

9. No trees shall be cut higher than eighteen inches from the ground without special permission from a Forest Officer or Timber Inspector, and when conditions permit, he may direct that no trees shall be cut higher than twelve inches from the ground.

10. All merchantable portions shall be taken from the trees cut to the satisfaction of a Forest Officer or Timber Inspector and there shall be no unnecessary waste of timber.

11. No unnecessary damage shall be done to the young growth or to trees left standing.

12. All timber cut on Dominion Lands, other than that cut for fuel purposes, shall be manufactured within the Dominion of Canada.

13. (1) The Superintendent may give such special directions regarding the disposal of brush and any other matter which he believes to be necessary for the protection and proper management of the forest.

(2) The permittee shall carry out all such directions given to him by the Superintendent.

14. Permits issued under these Regulations, except those issued under the provisions of section 21, shall expire on the 30th day of April following the date of issue, or upon completion of the cut authorized in the permit, whichever is the sooner date.

15. Upon expiration of a permit, the permittee shall return the permit to the local Timber Agent with the affidavit on the back thereof properly completed, or if the permit has been lost, he shall complete an affidavit in lieu thereof, on a form to be provided for the purpose by the Department, and no further permit shall be issued to the permittee until such permit or affidavit in lieu, has been furnished.

16. A permit shall authorize the holder thereof, to cut, process and remove the quantity of timber authorized thereby, but it shall not convey to the permittee the exclusive use of the land mentioned therein.

17. No person shall hold more than one permit.

18. No permit shall be transferred or assigned.

PERMITS—DUES PREPAID

19. The Timber Agent may issue an annual permit to cut timber on available Dominion Lands subject to the payment of a permit fee of $1.00, dues as set out in the Schedule hereto, and the performance of the conditions stated in the permit, the Dominion Lands Act and these Regulations, to:

(*a*) Any person living in the Northwest Territories to cut not more than one hundred (100) cords of timber for fuel purposes which may be disposed of by sale;

Dominion Lands Act—*continued*

(*b*) A settler living in the Northwest Territories to cut timber required for his own personal use, but not for barter, sale or manufacture into lumber;

(*c*) Owners of steamboats plying on waters within the boundaries of the Northwest Territories to cut timber for fuel purposes for consumption on their boats, provided, however, that no timber for this purpose is cut within five miles of any settlement.

PERMITS FREE OF DUES

20. A Timber Agent may grant an annual permit to cut timber on available Dominion Lands, free of dues, subject to payment of a permit fee of $1.00, and the performance of the conditions stated in the permit, the Dominion Lands Act and these Regulations, to:

(*a*) Any settler in an outlying district to cut not more than twenty cords of dry timber for fuel purposes for his own use, but not for barter or sale, provided that the settler is not the owner of any land containing timber suitable for that purpose which, in the discretion of the Timber Agent, is within a reasonable distance of his home-site;

(*b*) Any educational, religious or charitable institution to cut such quantities of timber as may be approved by the Department, for its own use, but not for barter or sale, provided that the institution is not the owner of any land containing timber suitable for its immediate needs and which is in the discretion of the Timber Agent, is within a reasonable distance of the site on which it is to be used;

(*c*) Any Department of the Government of Canada to cut such quantities of timber as may be required for its own use. In the case of a permit issued to any Department of the Government of Canada, a permit fee shall not be required.

COMMERCIAL PERMITS

21. (1) Subject to the approval of the Director, a Timber Agent may issue a permit for commercial purposes to the owner of a sawmill to cut timber for the manufacture of lumber and other products or to any person to cut timber in excess of one hundred (100) cords subject to the payment of a permit fee of $1.00, annual ground rental at the rate of $100.00 per square mile, dues as set out in the Schedule hereto, and the performance of the conditions stated in the permit, the Dominion Lands Act and these Regulations.

(2) Application for such a permit shall be made to the local Timber Agent in duplicate, on a form to be furnished by the Department for the purpose. The application shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a sketch, in duplicate, showing the position of such location in its relation to some prominent topographical feature, surveyed line or other known point. The sketch shall contain sufficient data to admit of the position of the location applied for, being definitely shown in the records of the Department. The location applied for shall be as nearly as possible rectangular in form and shall be marked by four legal posts, (or under special circumstances, posts satisfactory to a Timber Inspector) firmly fixed in the ground, one at each corner, but in case the tract applied for is not rectangular, one post shall be placed at each corner thereof. On each post shall be written a legible notice containing

Dominion Lands Act—*continued*

the full Christian and surname of the applicant, the date of staking, the nature of the application, the area applied for, and the distance in feet to the next post. Should the Superintendent so require, the lines joining the posts shall be blazed by the applicant.

(3) Upon receipt of an application under this Section, for a permit, the Timber Agent shall refer the application to the Superintendent for investigation and report and thereafter, forward the application together with the Superintendent's report to the Department for consideration.

(4) The permit fee and annual ground rental shall be payable in advance at the time application is made, together with twenty per cent of the dues on the cut to be authorized in the permit.

22. The permittee shall commence cutting operations upon the land described in the permit, within six months of the date of the permit, and if he fails to do so, the permit may be cancelled by the Director.

23. The permittee shall keep records of all timber cut, manufactured and sold, and such records together with other records which are necessary to determine the amount of timber cut, manufactured or sold, shall be open to inspection at any time, by the Timber Agent, the Superintendent, or any Timber Inspector.

24. (1) The permittee shall furnish to the local Timber Agent quarterly or at such other time as the Minister may direct, a return verified by affidavit showing all timber cut, manufactured, sold and on hand.

(2) Dues as set out in the Schedule hereto, shall become payable in full, on the quantity of timber cut or manufactured at the time each return becomes due.

25. No trees of a diameter of less than nine inches at the stump measured eighteen inches from the ground shall be cut without the consent of the Superintendent.

26. In areas where, in the opinion of the Timber Agent, there is a market for fuelwood, the permittee shall make the tops of trees not utilized for other purposes, into fuelwood, and shall pay dues thereon at the rates set out in the Schedule hereto.

27. Where the permittee is a sawmill owner, he shall maintain his sawmill in such condition that the lumber sawn from the timber cut under the authority of his permit, is manufactured to a standard satisfactory to the Superintendent, and if he fails to do so after thirty days' notice in writing, the Director may cancel the permit.

28. (1) When in the opinion of the Minister, it is desirable in the public interest to dispose of rights to cut timber in an area by competition, the local Timber Agent shall, on instructions from the Director, post notices in post-offices in the vicinity of such area and invite tenders.

(2) The Timber Agent may issue a permit to cut timber in such area to the person who offers and pays the highest cash bonus over and above the regular payments required in connection with a permit issued under these Regulations.

29. A permit issued under the provisions of section 21 shall expire one year from the date of issue or upon completion of the cutting of the timber authorized by the permit, whichever is the sooner date.

Dominion Lands Act—*continued*

Renewal permits may be issued subject to the conditions and stipulations applicable to the original permit and shall expire on the date to which the ground rental is paid or upon completion of the cutting of the timber authorized by the renewal permit, whichever is the sooner date.

Authority to Cut Timber Without a Permit

30. Indians, Eskimos and Half-breeds who are resident in the Northwest Territories shall not require permits to cut timber for their own use on available Dominion Lands, but such timber shall not be disposed of by barter or sale.

31. The holder of any mineral claim by entry or lease located on vacant Dominion Lands shall be entitled to cut without permit and free of dues such of the timber on his claim or such portion thereof as may be necessary for the working of his claim, but not for barter or sale provided that the rights to cut such timber have not already been granted and disposed of prior to the date of entry of the mineral claim. A mineral claim holder shall not however, remove timber from one claim for use on another claim without obtaining a timber permit and paying dues in accordance with these Regulations.

32. The holder or holders of any group of mineral claims by entry or lease located on vacant Dominion lands grouped together under the Northwest Territories Quartz Mining Regulations for the performance of representation work shall be entitled to cut without permit and free of dues such of the timber on that group of mineral claims or such portion thereof as may be necessary for the working of that group but not for barter or sale, provided that the rights to cut such timber have not already been granted and disposed of prior to the date of entry of the mineral claims. The holder or holders of a group of mineral claims shall not however, remove timber from one group of mineral claims for use on another group of mineral claims without obtaining a timber permit and paying dues in accordance with these Regulations.

33. Travellers, trappers on trap lines or persons engaged in scientific pursuits of exploration, or persons engaged in such other pursuits as the Minister may from time to time include, shall not require permits to cut dry timber for their own immediate use, on available Dominion lands.

Measurement of Timber

34. (1) Measurement of timber shall be by mill tally or by such log scale as the Director may direct.

(2) Material sold by the cord shall be measured by stacked cords of 128 cubic feet.

Rates of Dues

35. Dues to be charged for timber of various kinds and classes shall be as set out in the Schedule hereto.

Forest Working Circles

36. (1) The Minister may declare any area of available Dominion lands in the Northwest Territories a Forest Working Circle and direct that detailed plans for each such area based on sustained yield management, be prepared and made effective.

Dominion Lands Act—*continued*

(2) The cut of timber on any Working Circle, in any year or period of years, shall be restricted in amount to the estimated growth for the year or period subject to such adjustments as the Superintendent may find necessary to increase or decrease the total amount of growing stock in order to convert from an unregulated forest to a managed forest.

(3) The forest working plan shall make provision for the regeneration of the forest during or after cutting, either by natural or artificial means, and shall specify the silvicultural cutting method or methods and the conditions under which each shall apply; the length of the rotation age for each class of forest in the Working Circle; the location and estimated amounts of timber to be cut during the next ten years; and any other relevant information considered necessary for the proper management of the Working Circle.

(4) The working plan for each Forest Working Circle shall be revised every ten years.

Timber on Areas Flooded for Power Purposes

37. Dues shall be collected as provided for in the case of cordwood, on all timber in areas flooded for power purposes, as if such timber were actually cut.

Notices and Communications

38. Any notice or communication shall be sufficiently served on the permittee if sent by mail to him at his last known address. A notice sent by post shall be deemed to be given at a time when in due course of post it would be delivered at the address to which it is sent.

Penalties

39. The Minister may cancel the permit of any person who fails to comply with the conditions of his permit and the provisions of the Dominion Lands Act and these Regulations.

Schedule of Dues

Item No.	*Fee or Dues*
1. *Timber for Fuel Purposes (Cordwood)*	
(*a*) Fire-killed or dry	25c per cord
(*b*) Poplar	50c per cord
(*c*) Other kinds of timber	75c per cord
2. *Pulpwood*	
(*a*) Poplar	75c per cord
(*b*) Other kinds of timber	$1.00 per cord
3. *Fence Rails*	
(*a*) Poplar, not exceeding 5″ at butt end	2c each
(*b*) Other kinds of timber, not exceeding 5″ at butt end	3c each

Dominion Lands Act—*continued*

4. *Fence Posts*	
(*a*) Round, not exceeding 7′ long and 5″ at top end	2c each
(*b*) Split, not exceeding 7′ long and average of 5″ at top end	1½c each
5. *Fence droppers* not exceeding 5′ in length and 3″ at butt end	½c each
6. *Roof Poles*	3c each
7. *Building Logs and Cribbing*	
(*a*) Poplar	1c per lin. ft.
(*b*) Other kinds of timber, 9″ and over at butt end	2c per lin. ft.
(*c*) Other kinds of timber, less than 9″ at butt end	1c per lin. ft.
8. *Shingles*	50c per thousand
9. *Lath*	50c per thousand
10. *Railway Ties*	
(*a*) 8′ long	15c each
(*b*) each lineal foot over 8′ long	2c per lin. ft.
11. *Sawlogs*	
(*a*) Poplar	$2.00 per M. ft. B.M.
(*b*) Other kinds of timber	$3.00 per M. ft. B.M.
12. *Slabs* for fuel and edgings (on sales)	40c per cord
13. *Piling*	
(*a*) 9″ and over at butt end	3c per lin. ft.
(*b*) less than 9″ at butt end	1½c per lin. ft.
14. *Timber for Mining Purposes Only*	
(*a*) Under 5″ in diameter at butt end	¼c per lin. ft.
(*b*) Mine cross-ties 5″ face and under	½c per lin. ft.
15. *Telegraph and Telephone Poles*...	15% ad valorem at point of shipment.
16. *All other products of the forest not enumerated*	15% ad valorem at point of shipment.

Dominion Lands Act—*continued*

6. The Northwest Territories Quartz Mining Regulations

P.C. 2318

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Rescurces and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to order as follows:

1. The Regulations for the disposal of Quartz Mining Claims on Dominion Lands in the Northwest Territories, made by Order in Council P.C. 5107 of 16th December, 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations for the disposal of Quartz Mining Claims on Dominion Lands in the Northwest Territories" are hereby made and established in substitution for the Regulations hereby revoked to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Disposal of Quartz Mining Claims on Dominion Lands in the Northwest Territories

1. These Regulations may be cited as the *"Northwest Territories Quartz Mining Regulations"*.

2. These regulations are subject to such other provisions or regulations as may be made by or under the Dominion Lands Act or under any other Act which appear to be necessary or expedient in the public interest governing the development and operation of any mineral claim or mine acquired under these regulations in which ores containing radio-active elements occur, and also to such regulations as may be made governing the production, conservation and control of such ores.

INTERPRETATION

3. In these Regulations, unless the context otherwise requires,

(*a*) "adjoining claims" means those which come into contact one with the other at some point on the boundary lines, or which share a common boundary.

(*b*) "cause" includes any suit, action, or other proceeding.

(*c*) "Department" means the Department of Mines and Resources.

Dominion Lands Act—*continued*

(*d*) "Director" means the Director of Lands and Development Services Branch of the Department of Mines and Resources.

(*e*) "ditch" includes a flume, pipe, or race, or other artificial means for conducting water by its own weight, to be used for mining purposes.

(*f*) "documents" for the purposes of these regulations means any assignment, transfer, bill of sale, or other writing which may in any way affect the title to a mineral claim.

(*g*) "entry" means not only the record of a claim in the books of the mining recorder, but also the grant which may be issued for such claim.

(*h*) "full claim" means any mineral claim of the full size.

(*i*) "judgment" includes "order" or "decree".

(*j*) "legal post" means a stake or post marking a corner of a mineral claim which stake or post shall be of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above ground. The post shall be of such diameter that when squared or faced for eighteen inches from the upper end, each face of the squared or faced portion shall be, as nearly as reasonably possible, four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be, as nearly as reasonably possible, four inches in width. Whether a post is planted or a stump of a tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground and not less than eighteen inches high, cone-shaped and well constructed, or in treeless territory, remote from any adequate timber supply, a metal tube not less than six inches long and one-half inch in diameter may, if acceptable to the mining recorder for the district, be substituted for the prescribed legal post, provided such tube is securely inserted in the apex of the mound of either earth or stones required under these regulations to be erected around the base of the post. In default of such tube, a tin can or metal container may be substituted, provided that it is inserted in such condition that the contents remain intact. The inscription which should be placed upon the legal post under these regulations, shall in such case, be fully and legibly inscribed in the order indicated on waterproof paper or fabric, in duplicate, and one copy inserted into the tube, can or container, and the other securely attached to the tube, can or container in such manner that the inscription shall be and remain clearly visible, and shall not become illegible or obliterated. The locator shall submit with his application a full and detailed statement respecting each case in which a metal tube, can or container has been substituted for a legal post, and shall submit to the mining recorder a copy of the inscription inserted in and attached to such tube, can or container, and a description of the material upon which it was so inscribed and how deposited.

(*k*) "licensee" means a person, mining partnership, or company holding a miner's licence or renewal thereof issued under these regulations.

Dominion Lands Act—*continued*

(*l*) "marginal", as applied to a mineral claim, means a mineral claim situated on the margin of a body of water and only partly covered by such water, and staked in accordance with sections 24 to 31, both inclusive, of these regulations and having at least one corner situated on land.

(*m*) "mill-site" means a plot of ground located, as defined by these regulations, for the purpose of erecting thereon any machinery or other works for transporting, crushing, reducing or sampling ores, or for the transmission of power for working mines.

(*n*) "mine" means any parcel or tract which shall be mined for gold or other minerals, precious or base, as defined in these regulations.

(*o*) "mineral" means all deposits of gold, silver, and all naturally occurring useful minerals other than placer deposits, peat, coal, petroleum, natural gas, bitumen, oil shales, limestone, marble, clay, gypsum or other building stone when mined for building purposes, earth, ash, marl, gravel, sand, as well as any element which may, in the opinion of the Minister form a portion of the agricultural surface of the land.

(*p*) "mineral claim" or "location" means a plot of ground containing mineral staked out and acquired under the provisions of these regulations.

(*q*) "mining property" includes every mineral claim, ditch, mill-site, or water right used for mining purposes, and all other things belonging to a mine or used in the working thereof.

(*r*) "mining recorder" means the agent of Dominion Lands for a district, or other officer appointed by the Governor in Council for the particular purpose referred to.

(*s*) "Minister" means the Minister of Mines and Resources.

(*t*) "record", "register" and "registration" have the same meaning, and mean an entry in some official book kept for that purpose.

(*u*) "recorded owner" means any person in whose name a mineral claim, acquired under these regulations, stands recorded in the records of the Department.

(*v*) "representation" or "assessment" means the work to be done each year to entitle the owner of a claim to a certificate of work.

(*w*) "saline solution" or "brine" for the purpose of these regulations means an aqueous solution of mineral salts occurring in a natural state, and containing more than one per cent of mineral salts in solution.

(*x*) "submerged" as applied to a mineral claim, means a mineral claim located in accordance with the provisions of Section 32 of these regulations and completely covered by water.

(*y*) "sub-recorder" means any person temporarily appointed by the Department to perform, in any remote district, such of the functions of the mining recorder for the district as may, for the convenience of the miners, be assigned to him, and under the direction of such mining recorder.

DUTIES OF MINING RECORDER

4. Every mining recorder shall keep the following books, to be used for quartz entries:—

(*a*) Record of applications.

(*b*) Record of leases issued.

Dominion Lands Act—*continued*

(*c*) Record book.
(*d*) Record of documents received.
(*e*) Record of licences issued.

5. Every entry made in any of the mining recorder's books shall show the date upon which such entry is made.

6. All books of record and documents filed shall, during office hours, be open to public inspection upon payment of a fee of ten cents in connection with each claim searched.

7. A statement of grants issued and fees collected shall be rendered by the mining recorder at least every month, and such statement shall be accompanied by the amount collected, or, if the money has been deposited to the credit of the Receiver General, by the deposit receipts.

8. (1) Upon any forfeiture or loss of rights in a mineral claim, the mining recorder shall forthwith enter a note thereof with the date of entry upon the record of the claim, and shall mark the claim "lapsed".

(2) Relief from forfeiture or loss of rights, as provided in section 68 of these regulations shall also be noted on the record of the mineral claim by the mining recorder.

9. If application is made to the mining recorder for the reservation of lands for dumping purposes, in connection with any mining operations in progress or in contemplation, he may mark out a space of ground and reserve it for the deposit thereon of tailings, leavings or deads from any tunnel, claim, or mining ground, upon such terms as he may consider just. A survey and plan, in duplicate, of the area so reserved shall, if required by the mining recorder be made at the expense of the person or persons desiring to use it for the purpose mentioned and payment shall be made in advance to the mining recorder by such persons of the rental at the rate of one dollar per acre per annum. If such tract is not utilized for such purposes within a period of three years from the date of the reservation, or if the annual rental is not promptly paid in advance, or if a survey and plan are not made, as required, the Minister may cancel the reservation.

10. The mining recorder shall have the power summarily to order any mining works to be so carried on as not to interfere with or endanger the safety of the public or any employee of such mining works, any public work or highway, or any mining property, and any abandoned works, may, by his order, be either filled up or guarded to his satisfaction.

11. Where a claim has been recorded under any name, and the recorded owner or his agent is desirous of changing the same, the mining recorder may, upon application being made by such owner or agent, and upon payment of a fee of twenty-five dollars, amend the record accordingly, provided, however, that such change of name shall not in any way affect or prejudice any proceedings or execution against the recorded owner of the said claim.

Dominion Lands Act—*continued*

LICENCES TO MINE AND LICENCE HOLDERS

12. (1) Any person over eighteen years of age and any joint stock company incorporated or licensed to do business in Canada but not including a partnership, shall be entitled, on payment of the prescribed fee, to obtain a miner's licence in the prescribed form.

(2) The licence shall be dated the day of the issue thereof. Every renewal of a licence shall bear date the 1st of April following the expiration of the licence or renewal. Every licence and every renewal of a licence shall expire on the 31st day of March following the date of issue.

(3) The licence shall be effectual throughout all land subject to these regulations and shall not be transferable.

(4) Licences to companies shall be issued by the Director.

(5) Licences to individuals may be issued by the Director or by a mining recorder or sub-recorder.

13. (1) Every miner's licence shall be numbered, and shall be stamped to indicate the office from which it was issued.

(2) Any licensee shall at any time be entitled to obtain a renewal of his licence commencing to run at the expiration of his then existing licence or renewal provided that when he applies for such licence or renewal he shall produce such existing licence or renewal.

(3) If a miner's licence be accidentally destroyed or lost, the holder may, on payment of the prescribed fee, obtain a duplicate thereof upon advice from the office out of which the original was issued. Every such duplicate shall be marked "Substitute Licence".

(4) No person, mining partnership, or company shall apply for or hold more than one miner's licence covering the same period.

14. (1) No person, mining partnership, or company, not the holder of a miner's licence, shall prospect for minerals upon lands subject to these regulations or stake out, record, or acquire any claims for which a lease or patent has not already been issued, or acquire any right or interest therein.

(2) A miner's licence held by a mining partnership or a company shall not entitle any partner, shareholder, officer or employee thereof to the rights and privileges of a licensee.

(3) A person who is not a licensee shall not stake out a mineral claim on behalf of a mining partnership or a company.

(4) A clerk or employee of a licensee performing clerical, manual, or other services of a like nature, shall not be required to be a holder of a miner's licence.

(5) On the expiration of a licence, the owner thereof shall forfeit absolutely all his rights and interests in or to any mineral claim acquired under such licence, for which a lease or patent has not been issued, and all and any of the minerals therein, unless he obtain, prior to its expiry, a renewal of his licence, except as provided in section 68.

Dominion Lands Act—*continued*

(6) The Minister, upon proof to his satisfaction of the wilful contravention by any person holding a miner's licence of any of the provisions of these regulations, may revoke the miner's licence of that person and may direct that no other miner's licence be issued to that person during such time as the Minister may, in his discretion, prescribe.

(7) Every licensee shall, upon demand, produce and exhibit his licence to the mining recorder or inspecting officer.

(8) The licensee, his agents or employees shall exercise every care in the use of fire. Any infraction of existing fire laws on the part of the licensee, his agents or employees shall render the licence liable to cancellation.

WHERE AND BY WHOM CLAIMS MAY BE ACQUIRED

15. Every licensee shall have the right personally, but not through another, except as provided in section 20 of these regulations, to enter, locate, prospect, and mine upon any vacant Dominion lands for the minerals defined in these regulations, and upon all lands the right whereon so to enter, prospect, and mine such minerals has been, or hereafter shall be reserved to the Crown, and also to enter, locate, prospect, and mine for gold and silver upon any lands the right whereon so to enter and mine such gold and silver has been, or shall be, reserved to the Crown.

16. Excepting, however, land occupied by any building and land falling within the curtilage of any dwelling house, and any orchard, and any land valuable for water-power purposes, or for the time being actually under cultivation, unless with the written consent of the owner, lessee, or locator, or of the person in whom the legal estate therein is vested, or any land on which is situated any church or cemetery, or any land lawfully occupied for mining purposes, and excepting also game sanctuaries, Indian reserves, national parks, and military, naval, quarantine, and all other reservations made by the Government of Canada.

All undrained, or partially drained topographic basins, in which occur natural deposits of soluble salts of sodium, potassium, and magnesium, whether such salts occur in a solid state or in solution, the property of the Crown, and including salt marshes, saline sloughs, saline lake basins, brine springs, and all other types of natural accumulations of soluble mineral salts are withdrawn from disposal under the provisions of these regulations.

17. Subject to the provisions of section 9 of these regulations:

(1) No person for mining purposes shall enter upon lands owned or lawfully occupied by another until he has received the written permission of the mining recorder.

(2) No person shall mine upon lands owned or lawfully occupied by another until he has given security satisfactory to the mining recorder for any loss or damage which may be thereby caused.

(3) Persons who enter, locate, prospect or mine upon lands owned or lawfully occupied by another shall make compensation to the owner and

Dominion Lands Act—*continued*

occupant for all loss or damage so caused, such compensation in case of a dispute shall be fixed by a Stipendiary Magistrate of the Northwest Territories.

SIZE OF CLAIMS AND NUMBER WHICH MAY BE ACQUIRED

18. Any licensee desiring to locate a mineral claim shall, subject to the provisions of these regulations with respect to land which may be located for such purpose, enter upon the same and locate a plot of ground fifteen hundred feet in length by fifteen hundred feet in breadth, with boundary lines running north and south and east and west as nearly as possible, and subject in extent to the rights acquired to any claim or claims previously located in the vicinity, on which such location may encroach. Where a number of contiguous claims have been located, priority of location shall be deemed to convey priority of right to the claim so located, but no locator shall have any prior rights unless and until he has located his claim in accordance with the provisions of these regulations. All angles shall, as nearly as possible, be right angles, except in cases where a boundary line of a previously located claim is adopted as common to both locations. In defining the size of a mineral claim, it shall be measured horizontally, irrespective of the inequalities of the surface of the ground.

19. Any licensee desiring to locate a fractional mineral claim shall, subject to the provisions of these regulations with respect to land that may be located for such purpose, enter upon the same and locate any plot of ground lying between and bounded on opposite sides by previously located mineral claims and known by the locator to measure less than the area prescribed in section 18, as a fractional mineral claim. Such fractional mineral claim need not be rectangular in form and the angles need not necessarily be right angles, and the lines of the previously located mineral claims, whether surveyed or not, between which the fractional mineral claim is located, may be adopted as the boundaries of the fractional mineral claim.

20. (1) A licensee may, in any one licence year, in any one mining district, stake out and apply for:

(*a*) Not more than six mineral claims on his own licence;

(*b*) Not more than six claims each for not more than two other licensees, being eighteen claims in all.

(2) If a licensee stakes out under the regulations a claim upon which he has made independent discovery of mineral in any portion of the Northwest Territories, and if he posts conspicuously on the claim a legible notice claiming discovery and protection, and forwards to the mining recorder for the district, as soon as reasonably possible, advice of such discovery and posting, accompanied by full information as to the position of the claim staked and the character of the discovery made, together with a request for protection from encroachment upon his discovery, no person other than the said licensee or any person authorized by him shall, for a period of thirty days after the date of such staking, have the right to stake out or record a claim within the limits of a square containing a total area of four square miles including and surrounding the claim so staked, each of the boundaries of which square shall be two miles in length, and shall be lines drawn astro-

Dominion Lands Act—*continued*

nomically at a distance of one mile due north and one mile due south, one mile due east and one mile due west in direct distance from No. 1 post marking the claim in connection with which the request is made, as shown in figure 9. Priority of right to protection shall be based upon the date of staking inscribed on the No. 1 post marking such discovery claim. The Director may, in his discretion, extend the period of thirty days' protection above provided for, subject to such conditions as he may consider it advisable to impose, and applicable to such tract as he may designate, and he may at any time withdraw this right of protection from any portion or portions of the said Territories.

21. The Director may grant a location for the mining of iron and mica, not exceeding 160 acres in area, which shall be bounded by north and south and east and west lines astronomically, and its breadth and length shall be equal; provided that should any licensee making any application purporting to be for the purpose of mining iron or mica, thus obtain possession of a valuable mineral deposit other than iron or mica, his right to such deposit shall be restricted to the area hereinbefore prescribed for other minerals, and the rest of the location, in so far as such valuable deposit is concerned, shall thereupon remain in the Crown, for such disposition as the Director may direct.

22. The grant issued for such location shall include the right to the iron and mica only, and shall not include the surface.

23. Provided also that all the requirements as to the location and the survey of claims contained in these regulations shall govern such locations as far as they can be made to apply, and provided also that the amount to be expended each year in representation work shall be two hundred dollars.

How a Mineral Claim Other Than a Submerged Mineral Claim Shall be Staked

24. Every mineral claim, other than a submerged mineral claim, shall be marked on the ground by four (4) legal posts firmly planted in the ground, one at each of the four corners of the claim, beginning with and marking that at the northeast corner "No. 1"; that at the southeast corner "No. 2"; that at the southwest corner "No. 3"; and that at the northwest corner "No. 4", so that the number shall be on the side of the post toward the post next following it in the order named. In treeless territory remote from any adequate timber supply, this may be modified in accordance with the method prescribed in section 3 in the definition of a legal post.

25. The inscriptions to be placed on these posts shall be and remain clearly and legibly marked by knife, marking iron, or crayon, but not so as to become illegible or obliterated. In treeless territory remote from any adequate timber supply, this may be modified in accordance with the method prescribed in section 3 (legal post).

26. On location post No. 1 on the side facing in the direction of location post No. 2 shall be marked, beginning near the top of the portion faced and extending downward, the following:—

Dominion Lands Act—*continued*

(1) No. 1.

(2) The name given to the claim.

(3) The name of the licensee staking out the claim and number of his licence.

(4) The date and hour of staking out.

(5) If the claim is staked out on behalf of another licensee, also the name of such other licensee and the number of his licence.

27. On location posts Nos. 2, 3 and 4 shall be marked, beginning near the upper end of the portion faced and extending downward, the following:

(1) No. 2, No. 3, or No. 4.

(2) The name given to the claim.

(3) The name of the licensee locating the claim, and if the claim is staked on behalf of another licensee also the name of such other licensee.

28. The markings on the location posts of a fractional claim shall be the same as those upon a claim of the full size, with the addition of the letter "F" for fractional immediately below the name given to the claim.

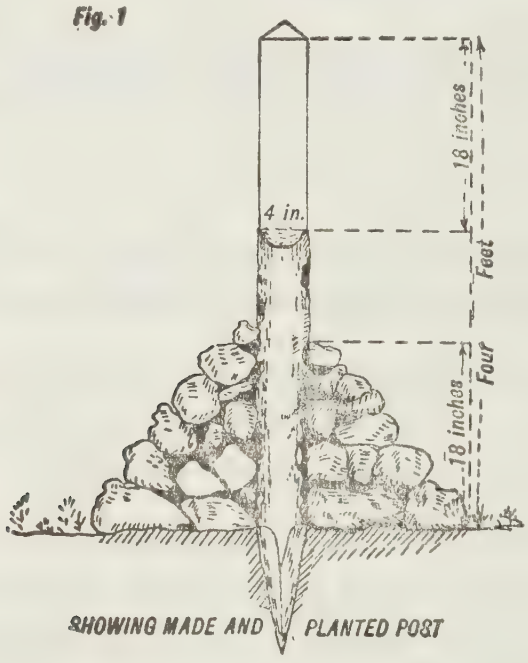
29. In case it is found impossible, owing to the presence of water or other insurmountable obstacle, to set a corner post in its proper position, the locator shall set up a "witness post" on a boundary line, if practicable, as near as possible to where the post should have been placed, and upon this witness post he shall, in addition to the information already prescribed in these regulations to be placed on the corner post, place the letters "W.P.", and further he shall place on the "witness post" the distance in feet from the "witness post" along the boundary line to the true corner of the mineral claim, and if the "witness post" is not placed on a boundary of the mineral claim he shall, in addition, place on the "witness post" the direction from the "witness post" to the true corner of the mineral claim.

30. When the claim has been located, the locator shall mark out immediately the boundary lines, so that they may be distinctly seen at every point throughout their length, by cutting away trees and brushwood and removing obstructions, and trees and brushwood likely to obstruct a clear view of the lines throughout their entire length, or of the posts marking the claim, shall be removed. The trees at each side of and adjoining the lines shall also be marked at intervals of about fifty feet by placing on each tree three blazes, one blaze on each tree facing the lines, and one blaze on each side of the tree in the direction of the said lines. In a locality where there is neither timber nor brushwood, the locator shall set legal posts or erect monuments of earth or rock not less than eighteen inches high and three feet in diameter at the base, so that such line may be distinctly seen throughout its entire length.

Dominion Lands Act—*continued*

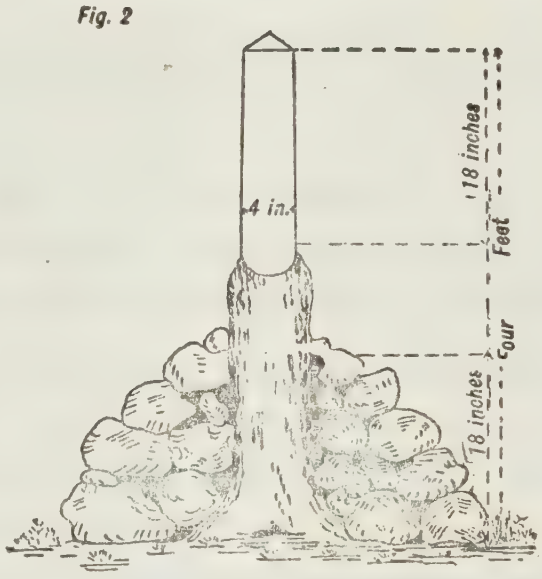
31. All the particulars required to be put on Nos. 1, 2, 3 and 4 posts shall be furnished by the locator to the mining recorder, in writing, at the time the application is made, and shall form a part of the record of such claim, if granted. The locator shall submit, with his application, which shall be in duplicate, a plan in duplicate showing as nearly as possible the position of the location applied for in its relation to the prominent topographical features of the district and to the adjoining claims or some other known point; also the position of the stakes by which the location is marked on the ground.

Fig. 1



SHOWING MADE AND PLANTED POST

Fig. 2



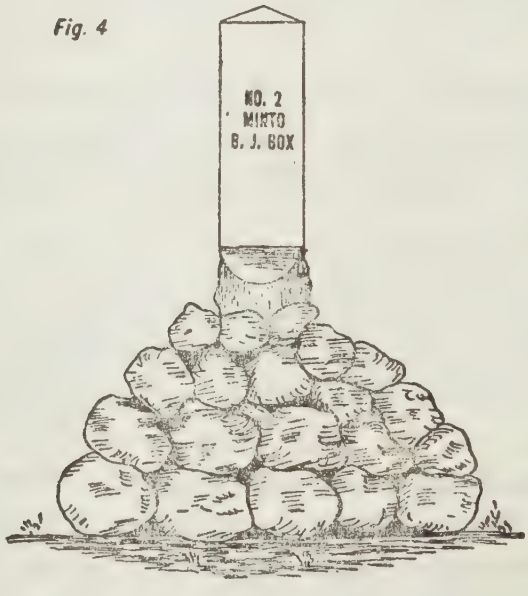
SHOWING STUMP OF TREE MADE INTO POST

Fig. 3



SKETCH OF POST AND MOUND SHOWING MARKING ON LOCATION POST No. 1 OF MINTO CLAIM STAKED BY B. J. BOX, OWNER OF LICENSE No 23, AT 3.15 P.M., AUG. 10, 1929.

Fig. 4



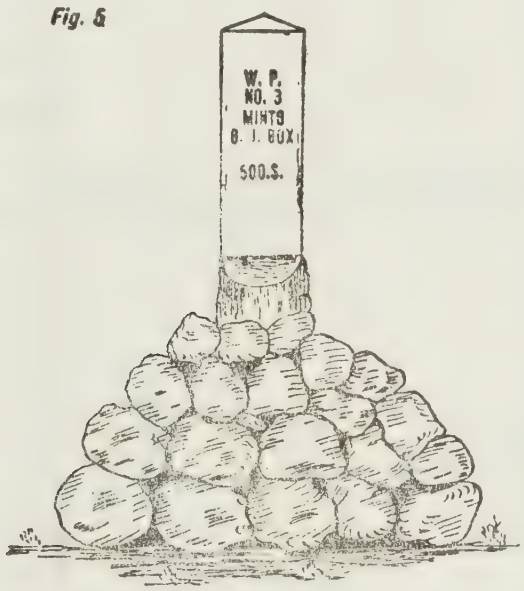
SKETCH OF POST AND MOUND SHOWING MARKING ON LOCATION POST No. 2 OF MINTO CLAIM STAKED BY B. J. BOX.

Dominion Lands Act—*continued*

How to Locate a Submerged Mineral Claim

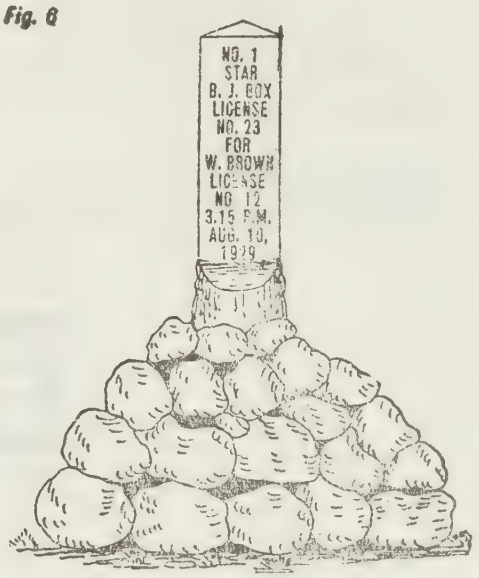
32. (1) Subject to the limitation set out in subsection two of this section, where a licensee has located or acquired a marginal mineral claim and has reason to believe the ore body upon which he has located extends under the water, he may locate by means of a post for each claim, placed as prescribed in subsection four of this section, not more than two submerged mineral claims by producing opposite sides of the mineral claim, the required distance to include not more than 51·65 acres in each submerged mineral claim. A submerged mineral claim shall not, in any circumstances, exceed 51·65 acres.

Fig. 5



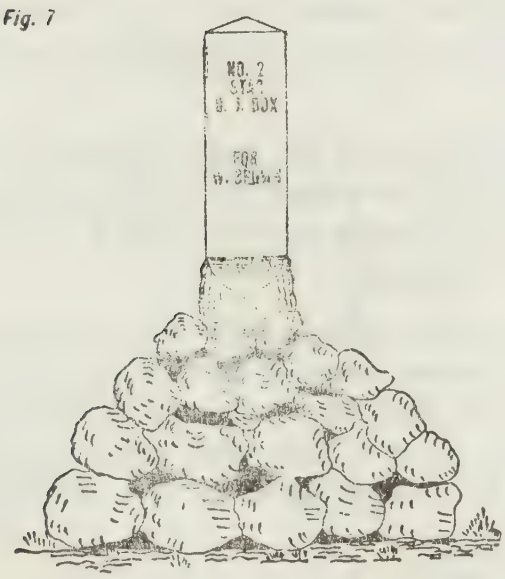
SKETCH OF POST AND MOUND SHOWING MARKING ON WITNESS POST No. 3 OF MINTO CLAIM STAKED BY B. J. BOX.

Fig. 6



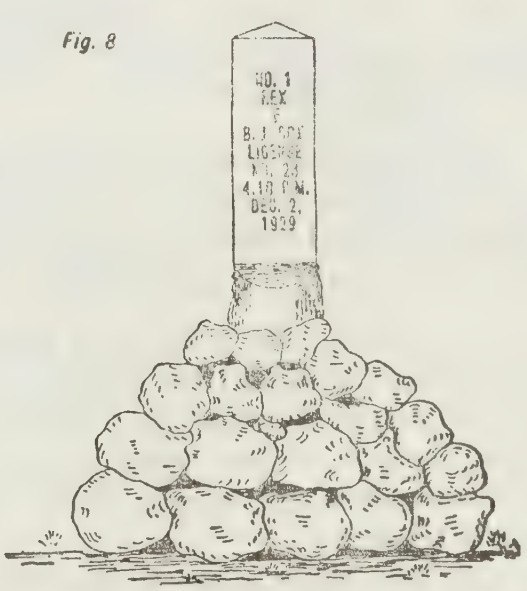
SKETCH OF POST AND MOUND SHOWING MARKING ON LOCATION POST No. 1 OF STAR CLAIM STAKED BY B. J. BOX, OWNER OF LICENSE No. 23, ON BEHALF OF W. BROWN, OWNER OF LICENSE No. 12, AT 3.15 P.M., AUG. 10, 1929.

Fig. 7



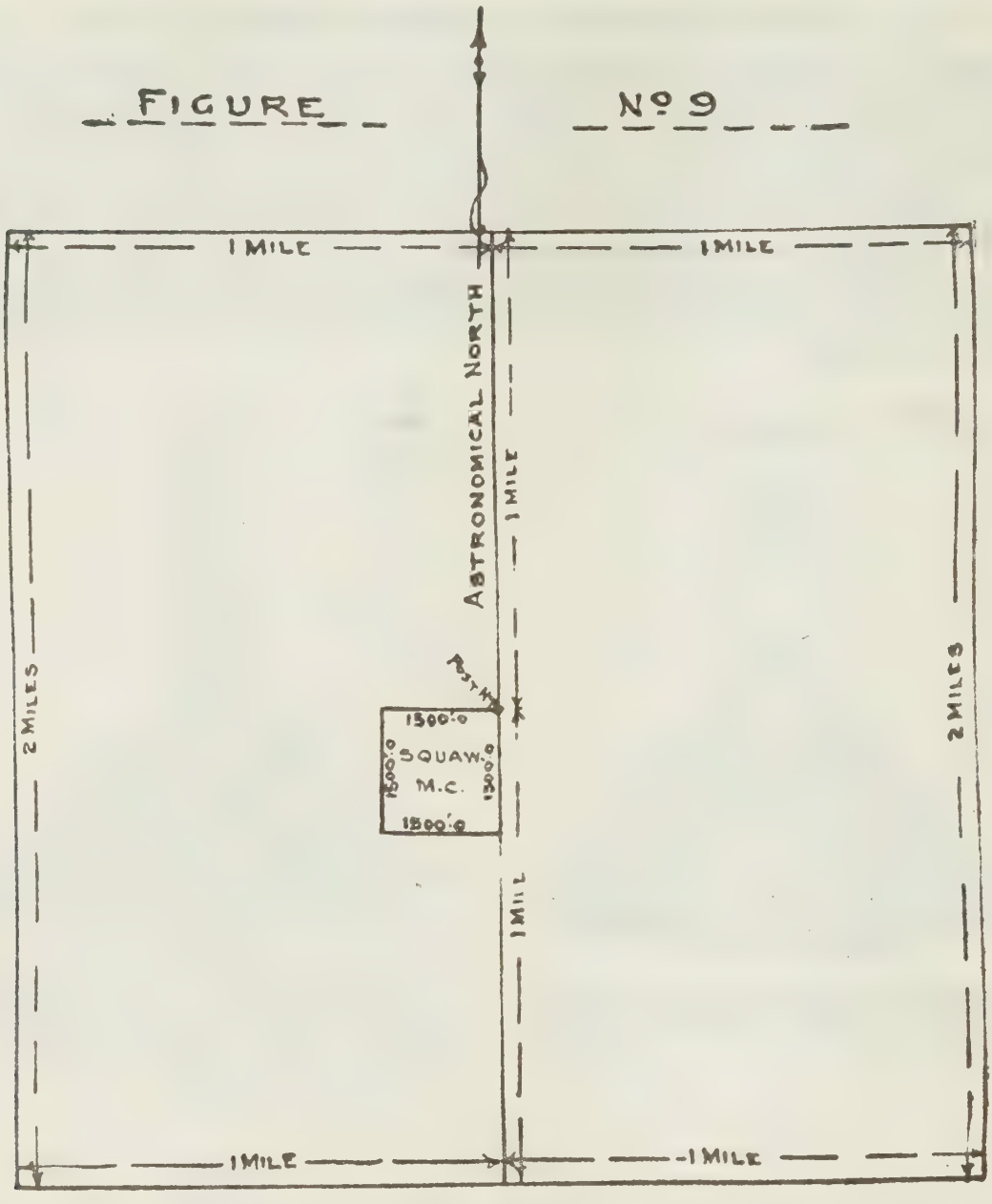
SKETCH OF POST AND MOUND SHOWING MARKING ON LOCATION POST No. 2 OF STAR CLAIM STAKED BY B. J. BOX, ON BEHALF OF W. BROWN.

Fig. 8



SKETCH OF POST AND MOUND SHOWING MARKING ON LOCATION POST No. 1 OF REX FRACTION STAKED BY B. J. BOX, OWNER OF LICENSE No. 23, AT 4.10 p.m., DEC. 2, 1929.

Dominion Lands Act—*continued*



(2) The number of submerged mineral claims which may be staked from any one marginal mineral claim shall not, in any circumstances, exceed two submerged mineral claims.

(3) Under the same conditions and subject to the same limitation, not more than two submerged mineral claims may be staked for another licensee, but such mineral claims must be staked in the same manner from a marginal mineral claim staked for or held by that licensee.

(4) The post referred to in subsection one of this section shall be made and planted firmly in the ground in the same manner as a legal post and shall be placed as close as possible to the post witnessing or marking the nearest corner of the marginal mineral claim. This post shall bear the following markings on the side facing in the direction of the submerged mineral claim:—

(*a*) The name given to the mineral claim;

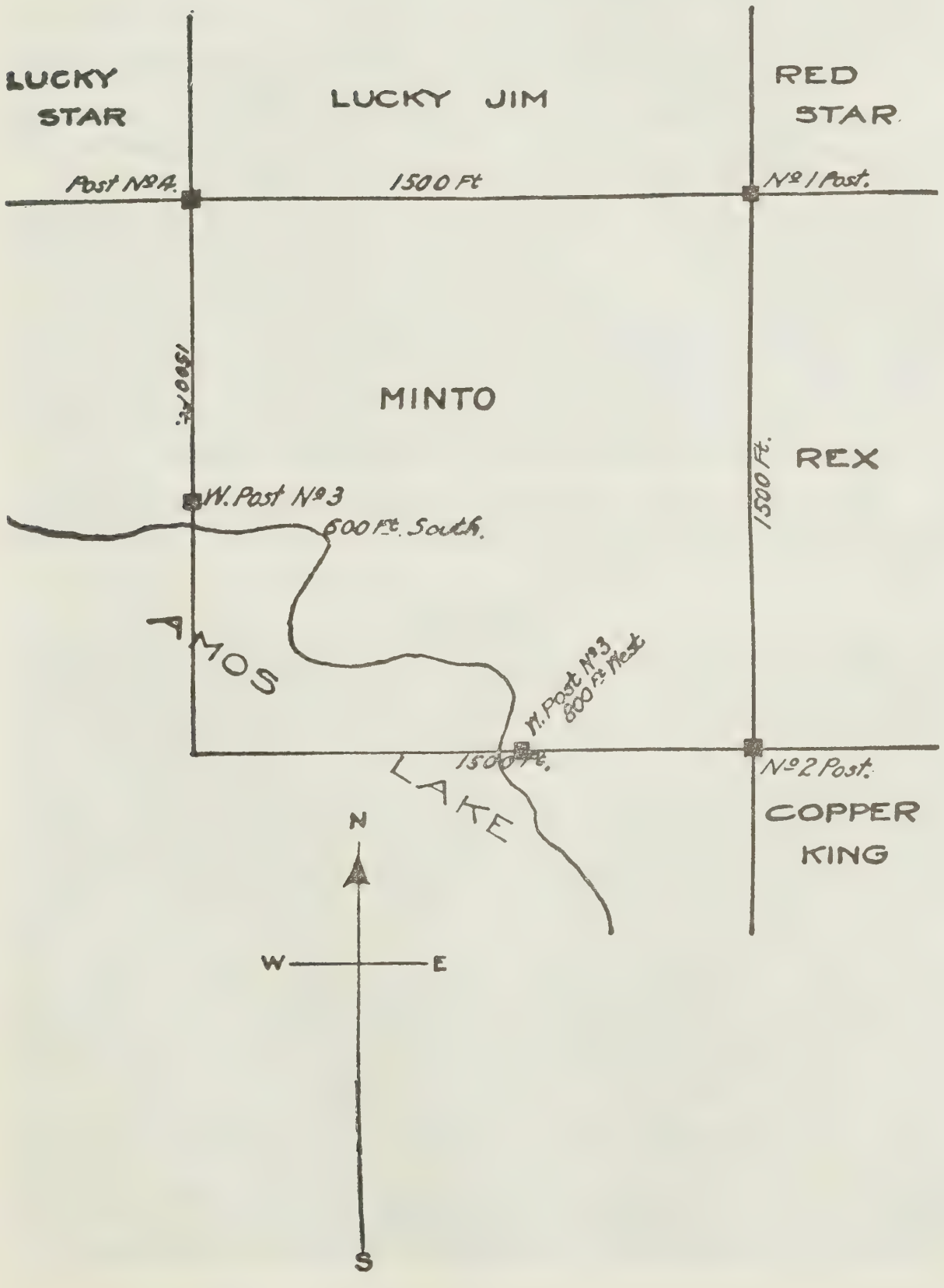
(*b*) The name of the licensee locating the submerged mineral claim and the number of his licence;

(*c*) The date and hour of locating;

Dominion Lands Act—*continued*

(*d*) If the mineral claim is located on behalf of another licensee, also the name of such licensee and the number of his licence;
(*e*) The letters "S.C.", denoting submerged claim; and
(*f*) The direction of the submerged claim.

SKETCH PLAN OF MINTO CLAIM



Dominion Lands Act—*continued*

(5) A submerged mineral claim shall not be staked from any marginal mineral claim located on an island whose greatest length or breadth is less than one hundred feet.

(6) Every submerged mineral claim shall be so indicated by the mining recorder on the form "B"—Record of a Mineral Claim—and upon the record of that mineral claim.

33. Post No. 1 shall not be moved under any circumstances and Posts Nos. 2, 3, and 4 shall only be moved by a Dominion Land Surveyor when authorized under the provisions of these regulations.

34. Except as provided in these regulations,

(*a*) No person shall move any legal post of a mineral claim whether such mineral claim is in good standing or otherwise.

(*b*) No person shall deface or alter in any manner the notices or markings on any legal post of a mineral claim whether such mineral claim is in good standing or otherwise.

35. When a fractional mineral claim has been located between previously located and unsurveyed mineral claims, and when any such previously located mineral claims are surveyed, if any of the posts of the fractional mineral claim are found to be not on the surveyed boundaries of the previously located mineral claims, the location of such fractional mineral claim shall not be invalid for that reason, and the owner of such fractional mineral claim may, by obtaining the permission of the mining recorder, move the posts of the fractional mineral claim and place them on the surveyed lines of the adjoining previously located mineral claims.

36. Nothing in these regulations, however, shall be construed to prevent Dominion land surveyors in their operations from taking up posts or other boundary marks when necessary.

RECORDING

37. (1) Subject to section forty, within fifteen days after a mineral claim has been staked out by a licensee, either on his own behalf or on behalf of another licensee, application for a record of such claim shall be made to the mining recorder for the district, if the claim has been located within ten miles of the office of the said recorder. Where the claim staked is situated more than ten miles by travelled route from the office of the recorder, for every additional ten miles or fraction thereof an additional day shall be allowed for filing application for such record. The application shall be in duplicate and in the prescribed form, and shall be accompanied by a plan, in duplicate, showing the position of the claim, as prescribed by section 31 of these regulations. The record shall be made in a book to be kept for that purpose in the office of the mining recorder, in which shall be inserted the name of the licensee by whom the claim was staked out, the name of the licensee on whose behalf application is made, the numbers of their respective licences, the name of the claim, the locality, the date of location, and any other and further information required in accordance with the provisions of these regulations. The record shall be as nearly as may be possible in the form "B" in the schedule of these regulations, which form, duly completed and signed, shall be given by the mining recorder, to the locator or his agent. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned and forfeited, without any declaration of cancellation or abandonment on the part of the Crown.

Dominion Lands Act—*continued*

(2) A licensee by whom application is made to record a mineral claim shall at the time of application, produce his licence, and the mining recorder shall endorse and sign upon the back of the licence the record of the claim or claims recorded together with a record of claims staked by the licensee on behalf of the other licensees if such there be. A record of claims staked on behalf of such other licensees shall also be recorded on the back of the licence of the licensee in whose name such claims are to be recorded. No record shall be complete or effective until such endorsement or endorsements has or have been made.

38. In the event of the claim being more than one hundred miles, by travelled route, from the recorder's office, and situated in an area where other claims are being located, the licensees, not less than five (5) in number, are authorized to meet in such area and appoint one of their number an "emergency recorder".

39. Where a claim is recorded with an emergency recorder as provided in the next succeeding section, the application for a record of such claim shall be made to the emergency recorder within seven days after the date of the staking of such claim.

40. (1) The emergency recorder shall, at the earliest possible date after his appointment, notify the mining recorder for the district in which the claims are, of such appointment, and he shall deliver personally or otherwise to such mining recorder the applications which he may have received for mineral claims and the fees which he may have collected for recording same. The mining recorder shall then grant to each person from whom the emergency recorder has accepted an application and a fee, an entry for his claim in the form "B" of these regulations, provided such application was made in accordance with the provisions of these regulations on form "A", "A-1" or "A-2" thereof, the entry to date from the date the emergency recorder accepted the application and fee. If the emergency recorder fails within four months to notify the mining recorder of his appointment, and to deliver to him personally or otherwise the applications received and the fees collected, entry for such claims may be refused in the discretion of the Director. The emergency recorder shall note on each application the date upon which such application was received by him and the amount of fees paid in respect thereto.

(2) An emergency recorder who, while acting as such, has staked claims in the vicinity of claims staked by the licensees who appoint him an emergency recorder, may record mineral claims so staked by him at any time within the period in which he is required to deliver to the mining recorder his appointment and the applications received by him from the other licensees.

41. No mineral claim shall be recorded unless the application is accompanied by an affidavit or solemn declaration made by the applicant on form "A" of these regulations, or if it be a fractional mineral claim on the form "A-1", or if it be a submerged mineral claim on the form "A-2".

42. Provided that failure on the part of the locator of a mineral claim to comply in every respect with the foregoing provisions shall not be deemed to invalidate such location, if, upon the facts, it shall appear to the satisfaction of the mining recorder that such locator has staked out such location as nearly as possible in the manner prescribed, and that there has been on his part a *bona fide* attempt to comply with all the provisions

Dominion Lands Act—*continued*

of these regulations, and that the non-observance of any of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity. The mining recorder, may, however, before granting entry, require the locator to remedy immediately any material defaults committed in the observance of the formalities required by these regulations in respect of the location of a mineral claim, and if such defaults are not remedied within a period to be fixed by the mining recorder, and to his satisfaction, entry may be refused.

43. A locator shall not be entitled to a record of a mineral claim until he shall have furnished the mining recorder with all the particulars necessary for such record.

44. (1) Except in cases to which the provisions of Section forty and sub-section (2) of this section apply, the record of a mineral claim shall be made at the office of the mining recorder for the district in which the claim is situated, but the application may be made to an agent of Dominion lands, a sub-agent, a mining recorder or sub-recorder, to be forwarded to the mining recorder for the district in which the claim is situated. The date upon which the application and the fee may be received in the office of the mining recorder for the district in which the claim is situated, however, shall govern, and shall be considered the date of the application.

(2) Where a prospector stakes a number of adjacent mineral claims, any one of which lies across the boundary or boundaries of adjoining mining districts, or which the prospector or mining recorder may believe to lie on or near such boundary or boundaries, the prospector may record the claims in the office of any one of the mining districts, the boundary of which lies across or near his claims. In such cases the prospector shall prepare such additional copies of his affidavits and sketches as are required for filing in other mining districts which may be affected and deliver them to the mining recorder who shall forward certified copies of the documents filed with him to the mining recorder of such other mining districts. The mining recorder with whom such mineral claims are first recorded may on his own initiative file copies of documents respecting any mineral claim which he believes lies near or across the boundary of another mining district with the mining recorder of that district.

(3) The mining recorder shall keep a special record of:—

(*a*) such mineral claims originally recorded in his office;

(*b*) mineral claims which were originally recorded in the office of another mining recorder and later recorded in his office.

(4) Any person desiring to file a document affecting any claim recorded under the provisions of sub-section (2) of this section shall file such document in the office of the mining recorder who issued the form "B" and supply such mining recorder with certified copies of such document for filing in the office of the mining recorders of the other mining districts affected.

(5) A mining recorder shall make no charge for filing certified copies sent to him by another mining recorder.

45. As soon as reasonably possible after the recording of the mineral claim, the recorded owner of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any,

Dominion Lands Act—*continued*

of the claim, and in default the claim may be cancelled by the mining recorder on the application of anyone misled by the lack of such tags. The mining recorder, on application shall supply such numbered tags free of charge.

46. Where a tunnel is run for the development of mineral, the owner of such tunnel shall, in addition to any mineral claim legally held by him, have the right to all minerals discovered in such tunnel, provided that the ground containing such minerals be marked out by him as a mineral claim, and provided further, that such minerals are not included in any existing mineral claim. Any money or labour expended in constructing a tunnel to develop minerals shall be deemed to have been expended on such mining property.

47. (1) The recorded owner of a mineral claim shall be entitled to all minerals to which these regulations apply, the property of the Crown, which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downwards.

(2) In case mineral of economic value is discovered and claims comprising such discovery have been recorded under the provision of these regulations, and in case evidence is furnished to the satisfaction of the Minister that the recorded owner of such claims is prepared to incur large additional expenditures in further prospecting and development work with a view to further discoveries and the ultimate establishment of a large mining industry, the Governor in Council may, upon application and upon proof of the applicant's financial ability and intention to make the required expenditures, withdraw from disposal under these regulations, by apt amendment thereof, for such period and upon such terms and conditions as the remoteness of the region may appear to warrant, such area surrounding the claims already acquired by the applicant as may be considered necessary to permit of legitimate prospecting operations being continued and commensurate to the expenditures incurred and contemplated.

(3) The person on whose behalf such a withdrawal may be made may be required by notification to release from time to time such portions of the area as the Minister may deem it advisable in the public interest should be released, and the portions so released shall, upon recission by the Governor in Council of the amendments of the regulations aforesaid, pursuant to the requirements of the Dominion Lands Act, become subject to all the provisions of the regulations.

(4) The mining recorder for the district shall, while such area remains withdrawn, refuse to record any mineral claim within the limits thereof, except to the applicant or to any person authorized by him.

48. Any location made upon a Sunday or any public holiday shall not, for that reason, be invalid.

49. The interest of a recorded owner of a mineral claim shall prior to the issue of a lease, be deemed to be a chattel interest, equivalent to a lease of the minerals in or under the land for one year, and thence from year to year, subject to the performance and observance of all the terms and conditions of these regulations.

GROUPING

50. Upon written application being made to him by the recorded owner or owners of adjoining claims, not exceeding thirty-six in number, the mining recorder may grant a certificate in the form "E" authorizing the

Dominion Lands Act—*continued*

claims to be comprised in one group, and the recorded owners of the claims so grouped shall be permitted to perform on any one or more of such claims all the work required to entitle him or them to a certificate of work for each claim. The grouping certificate shall be issued on payment of the fee prescribed and shall be recorded against each claim affected, without payment of any additional recording fee.

REPRESENTATION

51. (1) Any licensee having duly located and recorded a mineral claim, shall be entitled to hold it for the period of one year, and thence from year to year, without the necessity of re-recording the same, provided, however, that during each year and each succeeding year the recorded owner of such mineral claim shall perform or cause to be performed work on the claim itself which shall consist of stripping or opening up mines, sinking shafts, boring, drilling, or other actual mining operations, to the value of at least one hundred dollars. The cost of surveying a mineral claim under instructions from the Surveyor General, not exceeding one hundred dollars, may be accepted as representation work upon the claim provided an affidavit in the form "C" is completed and sworn to by the Dominion Land Surveyor making the survey. Work performed on a mineral claim, after such claim has been duly located and before it has been recorded, may, if acceptable, be considered as work required to be done during the first year.

(2) If more work is performed by or on behalf of the recorded owner of a claim than is herein required during any year, the excess, upon proof of the same having been performed in accordance with the requirements of these regulations, shall be credited by the mining recorder upon the work required to be done during the subsequent year or years. Excess work shall be recorded during the year in which it was performed or within one month after the expiry of such year.

(3) Where it is shown that a recorded owner has performed work in geological investigations, aerial reconnaissance, or other like preliminary operation which appears to be essential to the successful location of commercial ore bodies, on any claim or on any claims grouped together for the performance of work, consideration may be given to the expenditure incurred in the performance of such work, or of such portion of the work as the Director may consider justifiable which may have been performed prior to the termination of the first three years after the date of the record of the claim or of the group of claims affected, but consideration shall not be given to any such work subsequently performed. Work so performed shall not, however, be accepted in satisfaction of the requirements of clause (*a*) of section 61 of these regulations, nor shall credit which may have been granted a claim owner under subsection (2) of this section, on account of the performance of excess work of this class, be accepted as representation work on any claim beyond the termination of the third year after the date of the record of such claim.

(4) Within one month after the expiration of each period during which work should, under these regulations, be performed on a mineral claim, the recorded owner of such claim shall furnish the mining recorder for the district with evidence that such work has been done, which evidence shall be submited under affidavit in the form "C" of these regulations, containing a detailed statement, in duplicate, of the work performed and the dates upon which it was so performed, together with a sketch of the claim or claims affected, clearly indicating the position and extent of such work. If geo-

Dominion Lands Act—*continued*

logical investigation or other like preliminary operation is claimed in the statement submitted as representation work performed, copies of all maps or other like information so obtained, in duplicate, shall accompany that statement. If such evidence is received in the office of the mining recorder within the period specified, and if the mining recorder is satisfied that the prescribed work has been duly performed, he shall issue to the owner of the claim a certificate in the form "D" hereto, of such work having been done. If for any reason he may deem it advisable, the mining recorder may, after noting the evidence in his records, have an inspection made of the work done and if he is satisfied as the result of such inspection that the work has been duly performed, as required, he shall then issue a certificate to that effect. If the statement submitted of work performed includes geological investigation, aerial reconnaissance, or other like preliminary operation, such statement shall in all cases be referred to the Director before a certificate is issued. If, in the opinion of the Director, the prescribed work has not been done or sufficient work has not been performed, the recorded owner of the claim shall not be entitled to a certificate of work. If evidence of work performed is submitted to the mining recorder within the required period, the claim shall not be deemed to have lapsed because of any delay which may occur in consideration of the evidence or in making any investigation which may be deemed necessary. An affidavit shall not be required for any period during which, in consequence of the work having previously been done and accepted, no work has been done. The affidavit shall show in detail the names and addresses of the persons who actually performed the work and the date upon which each person worked in its performance.

(5) The construction of buildings or roads or other like improvements shall not constitute actual mining operations within the meaning of this section.

52. (1) The Director may grant extensions of time for periods up to one year for the performance of the representation work prescribed by subsection (1) of section fifty-one, provided;

(*a*) that written reasons in justification of the extension of time satisfactory to the mining recorder, are submitted to and received by such mining recorder prior to the expiry of the period of time in which the work should have been done; and

(*b*) that a fee of five dollars ($5.00) is tendered for each claim affected along with such written reasons.

(2) If, however, the proper amount of work as required by section fifty-one is not done during the time prescribed by these regulations and any extensions of time granted under this section, the claim shall lapse on the expiry of that period of time during which the work should have been performed without any declaration of cancellation or forfeiture on the part of the Crown and be open for relocation under these regulations only after one month from the expiry of such period.

53. If the recorded owner of a fractional mineral claim furnishes evidence to the satisfaction of the mining recorder that the area of such claim is less than twenty-five acres, the work required to be done each year in mining operations on such fractional claim, to entitle the recorded owner to a certificate of work, shall be one-half that required under these regulations in respect of a full claim. If, however, upon survey, a fractional claim

Dominion Lands Act—*continued*

in connection with which such representations have been made is found to contain twenty-five acres or more, the recorded owner thereof shall be required to complete the additional work required for a full claim, before he shall be entitled to receive a certificate of improvements in connection with such claim.

54. If two or more persons own a claim, each such person shall contribute proportionately to his interest in such claim to the work required to be done by section fifty-one of these regulations and to the payment of all expenses and charges, including fees for licence and renewals thereof, provided for in the regulations, and in the event of its being proved to the satisfaction of the mining recorder, after notice of hearing has been served as directed on all the parties interested, that any co-owner has not done so, his interest shall become vested, by order of the mining recorder, in the other co-owner or co-owners according to the sum of the value of the work done and money paid by each respectively.

55. (1) The mining recorder, any mining inspector or any officer appointed by the Minister, may inspect a mineral claim at any time.

(2) A report of each inspection, except when made only for the purpose of a dispute, appeal or other proceeding, shall be made in writing by the inspecting officer and shall be filed in the office of the mining recorder who shall forthwith enter upon the record of the mineral claim a note stating the effect of the report and the date of entry.

(3) Subject to Section 58 of these regulations, if the mining recorder, upon the report or upon any investigation he may deem necessary as a result of the report, deems that the mineral claim or any entry upon the record of a mineral claim should be cancelled, he shall issue an order to that effect, setting out the reasons for such order. Such order shall be entered forthwith upon the record of the mineral claim, and the mining recorder shall affix his signature or initials thereto, and shall mark the mineral claim or the entry thereon "cancelled", and shall by registered letter forthwith, notify the recorded owner of the mineral claim and other interested parties, if any, of the receipt and effect of the report or of his investigation and that the mineral claim, or entry upon the record of the mineral claim, as the case may be, is cancelled.

(4) Should it be proved to the satisfaction of the mining recorder that any person has:—

(*a*) been guilty of misrepresentation in the statement sworn to by him in the form "C" of these regulations, or in any of the statements required under these regulations to be made by him under oath, or

(*b*) removed or destroyed with intent to remove, or defaced any legal post or stake or other mark placed under the provisions of these regulations,

the mining recorder may, in his discretion, order that such person be debarred from the right to obtain entry for, or a certificate of work in connection with, any mineral claim for any length of time the mining recorder deems advisable. A copy of any order made under this subsection shall be mailed forthwith by the mining recorder, by registered letter, to that person.

Dominion Lands Act—*continued*

(5) An appeal from any action taken, or order made by the mining recorder, under the provisions of this section or of the preceding section, shall lie to a Stipendiary Magistrate and shall be made within the time and in the manner provided by section 69 of these regulations.

(6) The mining recorder shall on the expiration of one month from the date of his order cancelling a claim, if no appeal is taken, or on the expiration of one month from the date of the judgment of the Stipendiary Magistrate in cases where the cancellation of the mineral claim is upheld or within one month from the date of the filing with the Stipendiary Magistrate of a notice signed by the appellant, or his solicitor, withdrawing or discontinuing an appeal, post up in his office a notice of cancellation and the land or mining rights comprised within such mineral claim shall upon the day following the posting of such notice, but not before, be open for prospecting and staking out.

56. When any mineral claim is lapsed, forfeited or cancelled, the recorded owner of that mineral claim may, with the consent of the mining recorder and under such conditions and within such time as the mining recorder may prescribe, remove any machinery and personal property which he may have placed on the mineral claim.

DISPUTES

57. In case of any dispute as to the location of a mineral claim, the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself, and subject further, to the locator having complied with all the terms and conditions of these regulations.

58. Upon any dispute as to the title to any mineral claim, no irregularity happening previous to the date of the record of the last certificate of work shall affect the title thereto, and it shall be assumed that up to that date the title of such claim was perfect, except when fraud is proved.

59. Whenever, through the acts or default of any person other than the recorded owner of a mineral claim, or his agent by him duly authorized, the evidence of the location of record on the ground, or the situation of a mineral claim has been destroyed, lost or effaced, or is difficult of ascertainment, nevertheless effect shall be given to same as far as possible, and the Director shall have power to make all necessary inquiries, directions, and references in the premises, for the purpose of carrying out the object hereof, and vesting title in the first *bona fide* acquirer of the claim.

60. (1) No person shall suffer from any omission, delay or improper act on the part of any government official.

(2) The Minister may make such order as he may deem necessary to remedy any injury caused by any such omission, delay or improper act.

REQUIREMENTS FOR CERTIFICATE OF IMPROVEMENTS

61. Subject to the provisions of the next succeeding section whenever the recorded owner of a mineral claim shall have complied with the following requirements to the satisfaction of the mining recorder, he shall be entitled to receive from the mining recorder a certificate of improvements in the Form "F", in respect of such claim, unless proceedings have been taken by the person claiming an adverse right under section 69 of these regulations:

Dominion Lands Act—*continued*

(*a*) Done or caused to be done work on the claim itself in developing a mine to the value of five hundred dollars, as defined in subsection (1) of section 51, exclusive of the cost of all houses, roads, or other like improvements, and exclusive also of the cost of work performed in geological investigation, aerial reconnaissance, or other like preliminary operation which may have been accepted under the provisions of subsection (3) of section 51 of these regulations. The amount of work done and its compliance with the requirements of the said section 51 shall be assessed by the mining recorder. In the case of a fractional claim, however, the work to be done shall be that specified in section 53. For the purposes of this section, work done on a claim by a predecessor or predecessors in valid title shall be deemed to have been done by the person who received transfer of such claim. If an applicant for a certificate of improvements is the recorded owner of a group of adjoining claims not exceeding thirty-six in number, upon one or more of which a greater expenditure than that above prescribed has been incurred and proved, such excess expenditure may be applied for the issue of a certificate of improvements to these claims included in the group upon which a less expenditure may have been incurred, provided that the total expenditure so incurred and proved shall be equal to or greater than the expenditure required to be incurred in connection with each claim included in such group;

(*b*) Found valuable mineral within the limits of such claim, to the satisfaction of the mining recorder;

(*c*) Had the claim surveyed at his own expense in accordance with instructions from the Surveyor General by an authorized Dominion Land Surveyor and had the survey thereof duly approved by the Surveyor General;

(*d*) Shall have posted in the nearest post office, and in the mining recorder's office, a legible notice in the Form "G" of the schedule of these regulations of his intention to apply for a certificate of improvements;

(*e*) Published a copy of such notice in the Form "G" in a newspaper approved by the mining recorder and circulated in the district in which the claim is situated for at least sixty days prior to such application, which publication can be made at any time after the posting of the notice;

(*f*) Filed with the mining recorder an affidavit, in duplicate, in the Form "H" of the schedule in these regulations.

62. (1) A certificate of improvements shall not be issued until a report has been furnished by a person satisfactory to the Director to the effect that upon investigation he is satisfied that the required work in developing a mine has been actually completed, and that mineral has been found within the limits of the claim;

(2) After the recorded owner of a mineral claim has complied with the requirements of the preceding section delay in having an investigation made or delay in having the survey approved, not attributable to the recorded owner shall not render it necessary for such owner to perform further representation work in connection with the claim affected because of such delay;

Dominion Lands Act—*continued*

(3) If the recorded owner of the claim has proved the performance of work thereon to the value of five hundred dollars as required by the provisions of these regulations, but has not complied with all the requirements necessary to admit of application for a certificate of improvements being made, such recorded owner shall continue to do or cause to be done, work on the claim each year to the value of at least one hundred dollars, unless evidence of sufficient excess expenditure has been submitted and accepted, otherwise, the claim shall lapse.

63. (1) When the recorded owner of the claim shall have complied with the requirements of these regulations for obtaining a certificate of improvements and no action shall have been commenced and notice thereof filed with the mining recorder, a certificate of improvements shall be issued and forwarded by the mining recorder to the recorded owner or his agent;

(2) The mining recorder shall forward to the Department a copy of such certificate of improvements, a copy of the affidavit filed in the Form "H" and his certificate in the Form "I" of the schedule to these regulations, together with particulars of the full christian name and surname of the recorded owner or each of the recorded owners, their occupations and respective interests.

64. The Director in his discretion may, by order waive publication in a newspaper of any notice in the Form "G" or the Form "J" set out in the schedule to these regulations.

65. A certificate of improvements when issued as aforesaid shall be final and conclusive, unless such certificate was procured by fraud.

66. After the issue and recording of such certificate of improvements, and while such certificate shall be in force but a lease not yet issued, it shall not be necessary to do any work on such claim.

67. The recorded owner of a mineral claim for which a certificate of improvements has been granted and recorded, shall be entitled to a lease of such claim upon payment being made within three months of the rental and fee prescribed by section 96 of these regulations.

Relief from Forfeiture

68. Where forfeiture or loss of rights has occurred,

(*a*) by reason of failure to obtain a renewal of licence as provided in subsection (5) of section 14 of these regulations;

(*b*) by reason of failure to submit evidence that the prescribed work has been performed, as provided in subsection (4) of section 51; or

(*c*) by reason of failure to make application for a lease within the period prescribed in section 67,

the Director may, within three months after such default has occurred, upon such terms as he may deem just, make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed, the interest or rights forfeited or lost, shall be revested in the person so relieved, but if the default is that referred to in clause (*a*) of this section, a special renewal licence may be issued by the Director, the mining recorder, or sub-recorder, which shall be so marked,

Dominion Lands Act—*continued*

and which shall be issued only upon payment being made of twice the prescribed licence fee, and if the default is that referred to in clause (*b*) of this section, the person in default shall file the prescribed evidence forthwith, and shall make payment of a special fee of ten dollars.

HEARING AND DECISION OF DISPUTES

69. (1) The mining recorder shall have power to hear and determine all disputes arising within his district in regard to mining property, previous to the issue of a lease of the claim, subject to appeal by either of the parties, in the manner hereinafter provided in this regulation.

(2) No particular forms of procedure shall be necessary, but the matter complained of must be properly expressed in writing, and a copy of the complaint shall be served on the opposite party not less than seven days before the hearing of the said complaint, or such other time as the mining recorder may deem necessary. The mining recorder may require a party to any such dispute to file affidavits verifying the facts upon which he relies.

(3) The complaint may, by leave of the mining recorder, be amended at any time before or during the proceedings.

(4) The complainant shall, at the time of filing his complaint, deposit therewith a cash bond of such amount as the mining recorder may consider advisable in the circumstances, which shall be returned to him if the complaint proves to have been well founded, but not otherwise, except for special cause, by direction of the Director.

(5) A mining recorder may summon before him any person by subpoena issued by him, examine such person under oath and compel the production of papers and writings before him.

(6) If the mining recorder decides that it is necessary to a proper decision of the matter in issue to have an investigation on the ground, or, in cases of disputed boundaries or measurements, to employ a Dominion land surveyor to measure or survey the land in question, the expense of the inspection or measurement or survey, as the case may be, shall be borne by the litigants, who shall pay into the hands of the mining recorder, in equal parts, such sums as he may think sufficient for the same before it takes place; otherwise it shall not proceed, and the party who refuses to pay such sum shall be adjudged in default. The said mining recorder shall subsequently decide in what proportion the said expense shall be borne by the parties, respectively, and the surplusage, if any, shall then be returned to the parties, as he may order.

(7) All cash bonds adjudged as forfeited and all payments retained under the last preceding section shall, as soon as a decision has been rendered, and all entry and other fees or moneys shall, as soon as they have been received by him, be paid by the said mining recorder to the credit of the Receiver General in the same manner as other moneys received by him on account of Dominion lands.

(8) If an adverse claim affect only a portion of the ground for which application is made for a certificate of improvements, the applicant may relinquish the portion covered by the adverse claim and still be entitled to a certificate of improvements for the undisputed remainder of his claim, upon complying with the requirements of these regulations. The mining recorder shall enter in the "record book" any judgment which may be rendered in such case, and if by any judgment the original boundaries of

Dominion Lands Act—*continued*

any claim shall be changed, a plan made by a Dominion land surveyor and signed by the mining recorder if the judgment was rendered by him, or by the stipendiary magistrate by whom the judgment may have been given, shall be filed with the mining recorder, who shall forward it to the Department.

(9) (i) An appeal shall lie from the decision of the mining recorder to a stipendiary magistrate, whose decision shall be final and binding on the parties.

(ii) Notice of any such appeal shall be given within fifteen days from the day upon which the decision appealed from is pronounced or given, or within such further time as the mining recorder may allow, and after service upon the opposite party shall be filed with the mining recorder.

(iii) At the time of filing notice of appeal the appellant shall deposit with the mining recorder such sum of money or security therefor, as security for costs of the appeal, as the mining recorder may consider necessary.

(iv) Upon receipt of a notice of appeal and deposit, if any, as security for costs, the mining recorder shall forthwith transfer the complaint, evidence and other proceedings to a stipendiary magistrate, other than the mining recorder who heard the complaint, if he should be a stipendiary magistrate.

(v) The stipendiary magistrate who is to hear the appeal shall fix the time of hearing at as early a date as may be conveniently arranged.

Address for Service

70. Every application for a mineral claim and every other application, and every transfer or assignment of a mineral claim, or of an interest therein, acquired under the provisions of these regulations, shall contain, or shall have endorsed thereon, the full and proper name, the place of residence and the post office address of the applicant, transferee, or assignee, and his occupation, and no application, transfer or assignment shall be accepted or recorded unless it conforms with this provision.

What Entry or Lease Conveys

71. (1) The recorded owner of a mineral claim, by entry or by lease, located on vacant Dominion lands, shall be entitled to all mineral within the meaning of these regulations, and whether such mineral is found separately or in combination in, upon, or under the lands included in such entry or lease, together with the right to enter upon and use and occupy the surface of the claim, or such portion thereof and to such extent as the minister may consider necessary for the efficient and miner-like operation of the mines and minerals contained in the claim, but for no other purpose, including the right to cut, free of dues, such of the timber on the claim or such portion thereof as may be necessary for the working of the same, but not for sale or traffic, except where such timber has been granted or disposed of prior to the date of entry. The timber agent, however, may permit any person to cut and remove from the claim timber for his own use for mining purposes, when such timber cannot otherwise be had within a reasonable distance, but no such permit shall convey the right to cut or remove timber required by the recorded owner of the claim for his mining operations actually in progress.

Dominion Lands Act—*continued*

(2) When any timber is cut upon a mineral claim, whether by the recorded owner thereof or by any other authorized person, the branches and debris arising from such cutting or clearing operations shall be disposed of in accordance with the instructions and to the satisfaction of the authorized officers of the Department.

(3) The Minister may, upon application, grant to the recorded owner of a mineral claim in good standing, located on vacant Dominion lands, acquired by entry or by lease, a lease of the whole or any portion of the available surface rights of such mineral claim at a rental of one dollar an acre per annum, payable yearly in advance. The term of such surface lease shall not exceed the term of the grant issued for the minerals, and shall be appurtenant to such grant, and the said lease shall be subject to such terms and conditions as may be prescribed by the Minister, under these regulations. The lessee shall not assign, transfer, or sub-let the rights described in such surface lease, or any portion thereof, or any interest therein, without the consent in writing of the Minister being first had and obtained.

(4) Notwithstanding anything contained in these regulations the Minister or such officer as he may designate may reserve any area containing limestone, granite, slate, marble, gypsum, marl, gravel, sand, clay, volcanic ash, or any building stone and may dispose of such materials under permit at rates to be determined following inspection.

72. A lease of a mineral claim located on lands the surface rights of which have been disposed of, but the right whereon to enter, prospect, and mine for mineral has been reserved to the Crown, shall convey to the lessee the mineral within the meaning of these regulations, and whether such mineral is found separately or in combination, which may be in, upon, or under the land described in the lease but shall convey no right of entry upon such surface.

73. Where the mineral claim is located on land lawfully occupied under a timber licence, the lease shall convey the mineral within the meaning of these regulations, subject to the provisions of section 17 of these regulations, but shall reserve the timber.

74. A lease of a mineral claim located on lands the surface rights of which have been disposed of, but the right whereon to enter and mine gold and silver has been reserved to the Crown, shall convey to the lessee the right to the gold and silver which may be in, upon, or under the land described in the lease, but shall convey no right of entry upon the surface, except as provided in section 103.

75. A lease of a mineral claim issued under the provisions of these regulations shall reserve to the Crown such right or rights of way and of entry as may be required under any regulations in that behalf now or hereafter in force in connection with the construction, maintenance, and use of works for the conveyance of water for mining operations.

SURVEYS

76. The recorded owner of a mineral claim shall have a survey thereof made at his own expense by a duly qualified Dominion land surveyor under instructions from the Surveyor General, within one year from the date upon which notification, by the mining recorder to do so may be sent to him. Such notification, however, shall not be given until the expiration of at least

Dominion Lands Act—*continued*

one year from the date upon which the claim was recorded. If the survey is not made, and if the returns of such survey are not received and approved by the Surveyor General within one year from the date of notification, the entry granted for the mineral claim shall be subject to immediate cancellation in the discretion of the Director. The recorded owner of a claim may, however, have such survey made at any time.

77. (1) A survey of a mineral claim made in accordance with the provisions of these regulations shall be accepted as establishing the boundaries of the claim, provided,

(*a*) that the recorded owner of the claim causes to be posted in the nearest post office and in the office of the mining recorder for the district:

(i) A copy of the plan of survey of the said claim with a notice in the Form G-1 in the schedule of these regulations endorsed thereon by the Surveyor General of Dominion Lands; and

(ii) A notice of such survey in the Form "J" in the said schedule;

(*b*) that a notice of such survey in the said Form "J" is published following the posting of the plan, for a period of not less than sixty days in a newspaper approved by the mining recorder and circulating in the mining district in which the claim is situated.

(2) If the survey remains unprotested during the period of publication, the Surveyor General, upon receipt of advice from the Director that all other requirements of the regulations have been complied with, shall approve the survey and the survey so approved shall be accepted as defining the boundaries of the claim so surveyed.

(3) If, however, the survey is protested during the period of publication the protest shall be heard and determined in the manner provided in Section 69 of these regulations.

78. The surveyor shall define and mark accurately the boundaries of such claim on the ground, in full compliance with the instructions issued to him, and as soon as reasonably possible after the completion of the survey, and not later than six months after such survey has been made on that ground, he shall forward to the Surveyor General at Ottawa the original field notes and plan, signed and certified as accurate, under oath. After a certificate of improvement has been issued in respect of any claim so surveyed, *prima facie* evidence of its location upon the ground may be given by any person who has seen and who can describe the position of such posts, purporting to be marked as aforesaid.

79. (1) If it is found upon a survey required or authorized by these regulations, that the area of a mineral claim exceeds the prescribed acreage, the Director may reduce the area to the prescribed acreage, or thereabouts.

(2) The reduction may, where practicable, be made as follows:

Keeping No. 1 post as the northeast corner, and taking the straight line joining No. 1 and No. 2 posts, or if that line exceeds 1,500 feet in length, the northly 1,500 feet of it, as the eastern boundary; keeping the southern and western boundaries respectively parallel to or coinciding with the straight lines joining No. 2 and No. 3 and No. 4 posts, but shortening each of these boundaries to 1,500 feet where it exceeds that length; and connecting the northwest corner so established with No. 1 post for the northern boundary; or the survey may be made in such other way as the Surveyor General shall direct.

Dominion Lands Act—*continued*

(3) Where a survey shows a small fraction or gore of land to exist between mineral claims, the Minister may lease such available fraction or gore to the holder of one or other of the said claims, or may divide the same between them, or may otherwise dispose of the same as he may see fit, without requiring such gore or fraction to be staked out as a mineral claim.

(4) While the prescribed area of a mineral claim is 51·65 acres, the maximum area which may be included in any claim, without deduction, shall be 60 acres, and if the margin of error exceeds this allowance, the area in excess of 51·65 acres shall be withdrawn after survey and, upon withdrawal, shall in the discretion of the Director be disposed of subject to all provisions of these regulations in one of the three methods following, that is to say—

(*a*) be included in the claim and subsequent lease as a supplementary area for which must be paid an additional sum by way of penalty of $5.00 per acre or fraction thereof, provided such supplementary area does not exceed 51·65 acres. If the supplementary area is greater than 51·65 acres, the Director may in his discretion increase the penalty charge on the entire supplementary area from $5.00 per acre to any sum not exceeding $10.00 per acre. These penalty charges shall be in addition to the penalty charge provided for in Section 96 of the regulations;

(*b*) be granted under the regulations to the highest bidder at public auction;

(*c*) revert to disposal under these regulations as vacant and available Dominion Lands.

80. A Dominion Land Surveyor when surveying a fractional mineral claim, may survey such claim so that it shall contain as nearly as possible all the unoccupied ground lying between the previously located mineral claims as described in the affidavit and sketch furnished by the locator when the claim was recorded, provided that the area of the claim as surveyed shall be less than 51·65 acres.

81. The surveyor shall, in the discretion of the Surveyor General, connect the survey of the claim with some known point in a previous survey, or with some other known point or boundary, so that the position of the claim may be definitely fixed on the plans of the Department.

82. It shall be the duty of the surveyor, before proceeding with the survey, to examine the application made for the claim and the plan which accompanied such application, and before completing the survey, to ascertain by careful examination of the ground, or by all other reasonable means in his power, whether or not any other subsisting claim conflicts with the claim he is surveying, and he shall furnish with his returns of survey a certificate, duly signed by him, in the following form:—

> I hereby certify that I have carefully examined the ground included in .....mineral claim surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim, except as follows (if none, so state; if any, give particulars).

Dominion Lands Act—*continued*

83. Should the survey of a claim be made and advertised in the manner specified herein before the recorded owner of the claim has sufficiently complied with the regulations to admit of his applying for a certificate of improvements, then the posting and publication of notice of the survey of the claim in the manner indicated shall be accepted as satisfaction of the posting and advertising requirements of section 61 of these regulations, but before a certificate of improvements shall be issued in connection with such a claim, all the other requirements of section 61 shall be fully complied with.

84. If, in the event of the destruction by forest fire of the stakes marking the location of claims in any district, which claims have not been completely surveyed, it becomes necessary, in the opinion of the Director, that a joint survey of a number of claims should be made in order to delimit them one from another, the recorded owners in the area shall be notified, and if they cannot agree within one year as to the appointment of a surveyor, the Director shall appoint a surveyor, and payment for such joint survey at the usual rates shall be made by the recorded owners of the claims affected, in such proportion as may be fixed by the Surveyor General, or, in default such payment shall be and shall remain, until paid with interest, a charge against each such claim, and the recorded owner or owners thereof shall not be entitled to receive a certificate of work, a certificate of improvements, or a lease for any claim affected by the joint survey in connection with which payment of the share fixed has not been made, and in each such case the claim shall be deemed to have lapsed.

TRANSFER OF MINERAL CLAIM

85. No transfer of an entry for any mineral claim, or of any interest therein shall be effectual unless the same is in writing, signed by the transferor, or by his agent authorized in writing, and recorded by the mining recorder; and, if signed by an agent, the authority of such agent shall be recorded before the record of such transfer. The assignment shall be in duplicate, signed and sealed by the assignor in the presence of a witness, who shall furnish proof of execution by affidavit, and when recorded the mining recorder shall return to the assignee one copy thereof, with a certificate endorsed thereon that it has been recorded in his office, and retain the other copy.

86. If the record of entry (form "B") has been lost or destroyed, the mining recorder may, upon receipt of evidence to his satisfaction, supported by the affidavit of the recorded owner or owners, or one of them, if possible, that such is the case, and upon receipt of a fee of ten dollars, issue a "substitutional" record of entry which shall be so marked, and which shall be as far as practicable a copy of the record of entry (form "B") originally issued for such claim.

87. Any conveyance, bill of sale, mortgage, or other document of title relating to a mineral claim for which entry has been granted under the provisions of these regulations, may be recorded with the mining recorder. Failure so to record any such document shall not invalidate the same as between the parties thereto, but such documents as to third parties shall take effect from the date of record and not from the date of the document.

88. After a lease of a mineral claim has been issued, an assignment of the whole or an undivided interest in such claim shall be filed with the Department, accompanied by a fee of three dollars, and by the lessee's copy, of the lease, but the Department shall not be required to accept and register

Dominion Lands Act—*continued*

such assignment unless it is unconditional and its execution has been proved to the satisfaction of the Minister, and unless the regulations in respect of such claim have been fully complied with.

89. After a lease of the mineral claim has been issued a conditional assignment or option may be filed with the Department accompanied by a fee of three dollars and by the lessee's copy of the lease and may be recorded in the Department with the consent of the Minister.

90. If the recorded owner of a mineral claim, after applying for a certificate of improvements, shall sell and transfer such claim, upon satisfactory proof of such sale and transfer being made to the mining recorder, the new recorded owner of the claim shall be entitled to a certificate of improvements in his own name.

91. If a transfer shall be made to any person or company after a certificate of improvements shall have been issued, but before a lease has been prepared, upon proper proof of such transfer being made, to the satisfaction of the Director, and upon receipt of a new certificate in the form "I" of these regulations, the lease may issue to the new holder of the claim.

92. No lease of a mineral claim shall issue until all liens which may have been attached to such claim have been fully released.

MINING PARTNERSHIPS

93. All rights, liabilities and conditions pertaining to mining partnerships, heretofore formed under these regulations shall remain in full force and virtue until the termination of the partnership.

ROYALTY

94. (1) There shall be paid to the Crown on every mine acquired under the provisions of these regulations an annual royalty on any profits of such mine which exceed the sum of ten thousand dollars during any calendar year, and the owner, manager, holder, tenant, lessee, occupier, or operator of the mine, shall be liable for and shall pay to the Crown an annual royalty as follows:—

(*a*)	Upon annual profits in excess of $10,000 and up to $1,000,000	3 per centum
(b)	On the excess above $1,000,000 up to $5,000,000	5 per centum
(*c*)	On the excess above $5,000,000 up to $10,000,000	6 per centum
(*d*)	On the excess above $10,000,000 a proportional increase of one per cent for each additional $5,000,000	

(2) For the purposes of this section, all mines and mineral workings in the territories to which these regulations apply, occupied, worked, or operated by the same person, or under the same general management or control or the profits of which accrue to the same person, shall, for the purpose of determining whether there is liability for royalty hereunder, be deemed to be and be dealt with as one and the same mine, and not as separate mines.

(3) The royalty imposed by this section shall be deemed to accrue on the 1st day of January of the year in which the same is payable, and shall become payable on the 1st day of October following in each year, and shall be paid to the mining recorder or other officer named by the Director.

(4) The annual profits shall be ascertained and fixed in the following manner:—

The gross receipts from the year's output of the mine, or in case the ore, mineral, or mineral-bearing substance, or any part thereof, is not sold but

Dominion Lands Act—*continued*

is treated by or for the owner, tenant, holder, lessee, occupier, or operator of the mine, upon the premises or elsewhere, then the actual market value of the output at the pit's mouth, or if there is no means of ascertaining the market value, or if there is no established market price or value, the value of the same as appraised by the mining recorder shall be ascertained, and from the amount so ascertained, the following and no other expenses, payment, allowances or deductions shall be deducted and made, that is to say:

(*a*) the actual cost of transportation of any output sold, if paid or borne by the owner, tenant, holder, lessee, occupier, or operator;

(*b*) the actual and proper working expenses of the mine, both under ground and above ground, including salaries and wages of necessary superintendents, foremen, workmen, firemen, enginemen, labourers, and employees of all sorts employed at or about the mine, together with the actual and proper salaries and office expenses for necessary office work done at the mine and in immediate connection with the operation thereof;

(*c*) the cost of supplying power and light, and of the hire of horses or other means of transportation used in the mining operation, or in handling the ore or mineral;

(*d*) the actual cost price of food and provisions for all employees aforesaid, whose salaries or wages are made less by reason of being furnished therewith; also the actual cost of fodder for horses used as above mentioned;

(*e*) the actual cost of explosives, fuel, and any other supplies necessarily used in the mining operations;

(*f*) any actual and proper outlay incurred in safeguarding and protecting the mine or mineral product;

(*g*) the cost of proper insurance upon the output, if paid or borne by the owner, tenant, holder, lessee, occupier, or operator, and upon the mining plant, machinery, equipment and building used for or in connection with mining operations or for storing the ore or mineral;

(*h*) an allowance of a sum for annual depreciation, by ordinary wear and tear of the said plant, machinery, equipment and buildings, such sum to be based upon the probable annual average cost of repairs and renewals necessary to maintain the same in a condition of efficiency, and in no case to exceed for any year fifteen per centum of the value at the commencement of such year, such value to be appraised by the mining recorder;

(*i*) the cost of actual work done in sinking new shafts, making new openings, workings, or excavations of any kind, or of stripping, trenching, or diamond drilling in or upon the land upon which the mine is situated, or upon any other land belonging to the same lessee, owner, holder, tenant, occupier, or operator in the said territories, or the cost of any work which, in the opinion of the Director, has for its objects the opening of mines, or testing for ore or minerals;

(*j*) all taxes payable or paid upon the profits of the mine or upon the profits of the mine or mining work, or upon the profits made in smelting, refining, or otherwise treating any of the products of the mine or mineral work.

(5) No allowance or deduction shall in any case be made for the cost of plant, machinery, equipment or buildings, nor for capital invested, nor for interest or dividend upon capital, or stock, or investment, nor for depreciation in the value of the mine, mining land, or mining property, by reason of exhaustion or partial exhaustion of the ore or mineral.

Dominion Lands Act—*continued*

(6) For the purpose of this section, unless a contrary intention appears, the operations, business, matters and things carried on, occurring or existing during the preceding calendar year, shall be taken as fixing, assessing, and ascertaining the royalty payable thereunder, but the royalty payable shall nevertheless be deemed to be a royalty for the calendar year in which it is payable.

(7) The owner, lessee, tenant, holder, occupier, manager, or operator of every mine from which ore, minerals or mineral-bearing substances is or are being taken, shall, within ten days after the commencement of such active operations, notify the mining recorder of the fact that such mine is in active operation, and shall give in such notice the name of the mine and the name and address of the owner, lessee, tenant, holder, occupier, manager, or operator of such mine, and the name and address of the manager or of some other person to whom notice may be sent (to be known as the name and address for service), and shall forthwith notify the mining recorder of every change in the name and address of such manager or person, and of every change in the ownership, holding, tenancy, management, occupation or operation of such mine, and of every discontinuancy of active operations, and of every resumption thereof after discontinuance.

(8) On or before the first day of April in each year, every person liable to pay the royalty imposed by this section shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, deliver to the mining recorder a detailed statement in which shall be set forth:—

(*a*) the name and description of the mine;
(*b*) the name and address of the person or persons owning or operating the mine as lessee, agent, occupant, or otherwise;
(*c*) the quantity of ore, minerals and mineral-bearing substances shipped or sent from or treated on the mining premises during the year ending on the 31st of December last preceding;
(*d*) the name or names of the smelter or mill, and the locality to which the ore, minerals or mineral-bearing substances, or any part thereof, were sent;
(*e*) the cost per ton for transportation to the smelter, refinery or mill, and the actual, proper and necessary expenses of making the sale, if any, and by whom paid or borne;
(*f*) the cost per ton for smelter and mill charges, and by whom paid or borne;
(*g*) the quantity of ore, minerals, and mineral-bearing substances treated on the mining premises during the said year;
(*h*) the value of the ore, minerals and mineral-bearing substances shipped, after deducting the charges for making sales and for transportation or for treatment;
(*i*) the value of the ore, minerals and mineral-bearing substances treated on the mining premises;

Such statement and information shall be made and furnished by and under the oath of the owner, manager, holder, lessee, tenant, occupier or operator of the mine, and shall also show in other columns the various expenses, payments, allowances, and deductions which may properly be made under the provisions of this section, and such statement shall also show by way of summary the total receipts or market value at the mine of the year's output, and the total amount of the expenses, payments, allowances, and deductions to be deducted therefrom, and the balance of profits for the year as in this section provided.

Dominion Lands Act—*continued*

In addition to the above-mentioned statement, the Director may at any time of the year, require from any other person connected with the operations or management of the mine or mill, a statement, under affidavit, containing such information or particulars as the said Director may think proper to exact.

The Director may enlarge the time for making such return or statement.

(9) Every person liable to pay the royalty imposed by this section shall keep at or near the mine proper books of account of the ore, minerals or mineral-bearing substances taken from the said mine, containing the quantity, weight, and other particulars of the same, and the value thereof, and showing the returns from the smelter, mill or refining works, or other returns of the amounts derived from the sale of such ores, minerals, or mineral-bearing substances; and no ore, mineral, or mineral-bearing substances taken out of any mine shall be removed therefrom or treated at any smelter, mill or refinery works, until the weight thereof shall have been correctly ascertained and entered in the said books of account; and each person shall also keep proper books showing each of the several expenses, payments, allowances, or deductions mentioned in this section, and showing any other facts and circumstances necessary or proper for ascertaining the amount of the royalty payable hereunder.

If any doubt arises as to where such book or books shall be kept, or as to how many or what books shall be maintained, the Director shall determine the number and character of the books to be kept, and the place or places at which they shall be kept.

(10) It shall be at all times lawful for the mining recorder or any person designated by him to enter upon mining property for the purpose of making an inspection and obtaining information as to the amount and value of the output of the mine, and for this purpose such officer may descend all pits and shafts and use all such tackle, machinery, and appliances belonging to the mine as he may deem necessary or expedient, and he shall have free ingress and egress to, from and over all buildings, erections, and vessels used in connection with the mine, and he shall be allowed to take from the said mining property such samples or specimens as he may desire, for the purpose of determining by assay or otherwise the value of the ore, minerals or mineral-bearing substances being taken therefrom, or any product thereof, and he shall have full and complete access to all books of account, correspondence, and documents maintained or used for or in connection with the actual operations and business of such mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by such officer shall not be disclosed to anyone, except so far as may be necessary for the purpose of this section.

(11) It shall be the duty of the mining recorder or such other person as may be directed by the Director, to keep a record of all arrears of royalty due, based upon returns to be furnished him by the Department, with the increased amounts from time to time entered therein.

(12) All royalties, percentages, penalties and costs, respectively, payable under this section shall be a special lien on the mine, mining property, mineral claim, or mining rights, and upon all ore, minerals, or mineral-bearing substances taken therefrom, and upon all machinery upon or connected with the mine in priority of every claim, privilege, lien or encumbrance of any person whether the right or title of such person has accrued before, or shall accrue after the attaching of such lien, and its

Dominion Lands Act—*continued*

priority shall not be lost or impaired by any neglect, omission, or error of any official, officer or person, or by want of registration, and the same may be realized by action for sale of any or all property, leases and rights, subject to such lien.

(13) If the royalty imposed by this section is not paid when due, the same together with interest, may be recovered from the owner, tenant, holder, lessee, occupier, or operator of the mine, by an action at the suit of the Minister in any court of competent jurisdiction together with the costs of the action.

(14) In addition to any other remedies for the recovery of the royalty imposed by this section, an injunction or order in the nature of injunction, or the appointment of a receiver with all necessary powers, or such other relief or remedy as may seem necessary or expedient for securing payment of the royalty, may, in any case where the royalty is overdue, or where the payment of the royalty seems endangered be obtained in a court having jurisdiction in such matters at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral or mineral-bearing substance, or to prevent or restrict mining operations, or to provide for such operations or production upon such terms and conditions as may seem proper.

(15) Any action which may be brought under the provisions of this regulation may be brought by the Minister as plaintiff, and it shall not be necessary to name the Minister, and the action shall not abate by reason of a change in the name of such Minister, or by reason of the office being vacant at any time, but the action may proceed as though no change had been made or no vacancy existed.

(16) In every grant and lease issued under the provisions of these regulations shall be implied a condition or stipulation to the effect that upon default of payment of any royalties imposed by these regulations the same together with interest and costs may be levied and collected by distress, together with the costs of distress upon the goods and chattels wherever found of the person or persons liable therefor, under warrant signed by the Director or the mining recorder directed to the sheriff, and that the sheriff may realize the amount directed to be realized by the warrant and all costs by a sale of such goods or so much thereof as may be necessary to satisfy the amount to be levied by such warrant.

TERM OF LEASE AND RENTAL

95. The lease shall be for a term of twenty-one years, renewable for a further term of twenty-one years, provided the lessee furnishes evidence to the satisfaction of the Director that during the term of the lease he has complied in every respect with the conditions of such lease and with the provisions of these regulations, and subject to renewal for additional periods of twenty-one years on such terms and conditions as may be prescribed by the Governor in Council.

96. The rental of a whole or fractional mineral claim, granted under a lease, shall be fifty dollars, provided the claim does not exceed the maximum area of 51·65 acres. For each acre in excess of the said maximum area which the claim may, upon survey, be shown to contain, and which may be included in the lease, payment shall be made of rental at the rate of five dollars an acre. The rental shall be payable in advance within three months after the date upon which a certificate of improvements in connection with the claim may be issued, and no further rental shall be due

Dominion Lands Act—*continued*

or payable in connection with such claim until the termination of the above period of twenty-one years. For the renewal of a lease, the lessee shall pay in advance the sum of two hundred dollars, to cover the rental for a further period of twenty-one years, and for excess area at the rate of twenty dollars an acre. For the rental of a claim containing an area of 160 acres, acquired under the provisions of section 21 of these regulations, the rental shall be one hundred and fifty dollars for the first period of twenty-one years, and a rental of six hundred dollars for a renewal period of like duration. If the claim contains more than 160 acres, payment for the excess area shall be at the rate of twenty dollars an acre for the second period. The fee for the issue of a lease of a mineral claim shall be ten dollars.

97. In case payment of the rental and fee for the first term of twenty-one years is not made within the prescribed period of three months from the date of the certificate of improvements, or in case payment is not made of the rental for the renewal term within three months from the date upon which it becomes due, then all right to the claim or to a lease thereof, or to a renewal of such lease, shall absolutely lapse without any declaration of cancellation or forfeiture on the part of the Crown, and such rights shall immediately be and become revested in the Crown subject to the provisions of these regulations regarding relief from forfeiture.

98. The lessee shall not assign, transfer, or sublet the rights described in his lease, or any interest therein, without the consent in writing of the Minister being first had and obtained.

99. The lease shall be in such form as may be determined by the Minister, in accordance with the provisions of these regulations.

Mine Plans

100. (1) The recorded owner of every mine shall make and maintain or cause to be made and maintain by a competent mining engineer or surveyor, a clear and accurate plan or plans, with sections, if necessary, showing clearly all the workings of such mine and at least six months or oftener, if necessary, the recorded owner of such mine shall cause to be shown clearly and accurately on the plan or plans of such mine all the excavations made thereon during the time elapsed since such excavations were last shown on such plan or plans, and all parts of the said mine that shall have been worked out or abandoned during the said period of time shall be indicated clearly on such plan or plans and all underground workings shall be surveyed and mapped out before they are allowed to become inaccessible.

(2) The methods of survey and computation thereof shall be according to instructions to be obtained from the mining recorder. All mine plans, survey notes and computations shall be kept at the mine office away from risk of damage by fire or any other cause, and shall be treated as confidential information to which the mining recorder shall have access at all times, but they shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine.

(3) Plans shall be drawn on a scale of not more than 50 feet to one inch of every working mine in which levels, cross-cuts, or other openings have been driven from any shaft, adit, or tunnel, and in addition to the

Dominion Lands Act—*continued*

size of the openings they shall indicate all important geological information obtained in working the mine, together with assay values wherever the ore has been sampled in situ. For the sake of clearness more than one plan may be employed on which to plot such information.

(4) Every dam or bulkhead erected underground shall be shown clearly on the mine plans and all machinery, ladderways, stores and other material or equipment shall be indicated by an approved symbol.

(5) Where abandoned workings on the group of claims being worked on land adjacent thereto are liable to contain water, the plans shall show the position and extent of such workings as accurately as can be obtained.

(6) Any recorded owner of an adjoining mineral claim may apply to the mining recorder for the purpose of ascertaining whether any mine is being worked into his territory, and upon such application being made, the mining recorder may examine and make report thereon to the recorded owner of the adjoining mineral claim as to whether his territory is or is not being encroached upon.

(7) Before a mine or any part of a mine is abandoned, closed down, or otherwise rendered inaccessible, all underground plans and sections shall be brought up-to-date and a certified copy filed with the mining recorder.

Treatment of Ores in Canada

101. All grants and leases issued under the provisions of these regulations shall be subject to the provision that all ores or minerals mined from locations described in such grants or leases shall be treated and refined within the Dominion of Canada so as to yield refined metal or other product, suitable for direct use in the arts without further treatment; in default whereof the grant or lease issued for such lands shall be and become null and void, and the said lands shall forthwith revert to and become revested in the Crown freed and discharged of any interest or claim of any person or persons whomsoever, and shall be open to disposal in such manner as the Director may decide. Iron ores produced in excess of smelter requirements from locations situated on any of the islands of Hudson Bay in the Northwest Territories may, however, be exported for treatment.

Arbitration

102. In case the surface of a mineral claim, or any portion of it, is covered by a timber licence, or by a petroleum, grazing, or coal mining lease, or any other form of terminable grant, the lease issued under the provisions of these regulations shall not authorize entry upon the land so covered without the permission of the Director being first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose.

103. In case the surface rights of a mineral claim have been patented or have been disposed of by the Crown under any act or regulation which contemplates the earning of patent for such surface rights, and the recorded owner of the mineral claim cannot make an arrangement with the owner of such surface rights, or with his agent, or the occupant thereof for entry upon the location or for the acquisition of such interest in the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his grant or lease, he may (provided the mineral rights in the land affected with access thereto and the right to use and occupy such portion of the land as may be necessary for the effectual working of the minerals therein have been reserved to the Crown in the original grant of the surface rights) apply to the Director for permission to submit the

Dominion Lands Act—*continued*

matter in dispute to arbitration. Upon receiving such permission in writing, it shall be lawful for the recorded owner to give notice to the owner of the surface rights or his agent, or the occupant to appoint an arbitrator, within a period of sixty days from the date of such notice, to act with another arbitrator named by the lessee, in order to determine:

(*a*) what portion of the surface rights the lessee may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his grant or lease;
(*b*) the exact position thereof, and
(*c*) the amount of compensation to which the owner or occupant of the surface rights shall be entitled.

104. The notice mentioned in this section shall be according to a form to be obtained upon application to the mining recorder, and shall, when practicable, be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success then such notice shall be served by leaving it at or sending it by registered mail to the last known place of abode or address of the owner, agent or occupant, and by posting a copy of the same in the office of the mining recorder for the district in which the land in question is situate. Such notice shall be for a period of ten days if the owner or his agent resides in the district in which the land is situate, if out of the district, and if in the territory, twenty days, and if out of the territory, thirty days, before the expiration of the time limited in such notice. If the owner, or his agent, or the occupant of the land refuses or declines to appoint an arbitrator, or when, for any reason, no arbitrator is so appointed in the time limited therefor in the notice provided for by this section, the mining recorder shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant, wilfully evades the service of such notice or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode or known address of such owner, agent or occupant, as above provided, appoint an arbitrator on his behalf.

105. In case two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator select a third arbitrator, and when two such arbitrators cannot agree upon a third arbitrator, the mining recorder shall forthwith select such third arbitrator.

106. All arbitrators appointed under the authority of these regulations shall be sworn before a justice of the peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee, they shall decide as to the particular portion of the surface rights which the latter may reasonably acquire for the efficient and economic operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the owner or occupant shall be entitled.

107. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

108. The award of any two such arbitrators made in writing shall govern and shall be filed with the mining recorder for the district in which the land is situate within twenty days from the date of the appointment of the last arbitrator. Upon the order of the Minister the award of the arbitrators shall immediately be carried into effect.

Dominion Lands Act—*continued*

109. The arbitrators shall be entitled to be paid a per diem allowance of ten dollars, together with their necessary travelling and living expenses, while engaged in the arbitration, and the cost of such arbitration shall be in the discretion of the arbitrators.

ADMINISTRATION OF THE ESTATES OF DECEASED OR INSANE MINERS

110. If the recorded owner of a claim for which a lease has not yet been issued, or if the recorded owner of an interest in such a claim dies or is adjudged to be insane, the provisions of these regulations as to forfeiture for non-performance of work or payment of fees shall not apply except as hereinafter provided, in the first case, either during his last illness or after his decease, and, in the second case, either after he has been so adjudged insane, or, if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be forfeited was attributable to this insanity, then during such period prior to his having been adjudged insane as he may have been shown to have been insane.

111. The Director may limit the period during which all or any interest in any mineral claim, the property of such deceased or insane person, shall be exempt from the provisions of the regulations which require annual performance of work and payment of fees, and may fix the date upon which the same shall again become subject to all the provisions of these regulations.

112. At the termination of the period fixed, the claim shall become subject to all the provisions of these regulations, and if such regulations are not complied with the title thereto shall be absolutely forfeited in the event of the estate of such deceased person being the sole owner of the claim, and the same shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown. In the event, however, of such an estate being a co-owner, the interest of the estate shall thereupon *ipso facto* become vested in the other co-owners who have complied with the regulations in proportion to their respective interests.

113. The Director may, by order from time to time, extend the period of such exemption as the necessity of the case may, in his opinion, demand, provided that in the case of deceased persons, the period during which such exemption shall apply shall not extend beyond three years from the date of the death of the deceased.

114. If there is no other legal representative of the estate of any such deceased or insane persons, the Director may cause the public administrator, or such responsible officer as he may name, to take possession of such property and administer the same, subject to the provisions of any ordinance in force respecting the administration of the estate of deceased or insane persons.

115. No exemption of the interest of a deceased or insane recorded owner in any claim shall apply to or exempt any co-owner's interest from the provisions of these regulations as to the annual performance of work and payment of fees, and the rights of such co-owners shall be entitled to protection provided they do or cause to be done the prescribed representation work and pay the prescribed fees necessary in connection with those interests not exempted from performance of work and payment of fees.

Dominion Lands Act—*continued*

116. Where the estate of the deceased or insane person owns an interest in a claim, and the co-owners who are required to perform work and pay fees have, during the period of such exemption, failed to perform the work required to be done thereon, the interest of such co-owners may, upon such failure being proved to the satisfaction of the mining recorder, after notice of hearing has been served upon all persons interested in the manner prescribed by him be vested by order of the mining recorder in such estate.

117. Any person receiving from the public administrator or other legal representative of the estate of a deceased or insane person an assignment of a claim that has been exempted from the provisions of the regulations as to performance of work and payment of fees, because of the death or insanity of the owner thereof, shall record such assignment within two months from the date thereof, and after the assignment has been recorded the claim shall again become subject to all the provisions of these regulations. If the assignment is not so recorded, the provisions exempting such claim shall cease to apply and the claim shall, at the expiration of the said two months, become absolutely forfeited and shall be open to relocation and entry.

118. Any person receiving from the public administrator or other legal representative of the estate of a deceased or insane person, an assignment of an interest in a claim which has been exempted from the provisions of these regulations as to performance of work and payment of fees, because of the death or insanity of the owner thereof, and on which the other co-owner or co-owners are required to perform work and pay fees, shall, within two months from the date of such assignment, record the same and comply with the provisions of the regulations in respect of representation work from the day of the recording of such transfer. If the assignment is not so recorded and if the regulations are not otherwise complied with, the interest in question shall thereupon *ipso facto* become vested in the other co-owner or co-owners in proportion to their respective interests. If the co-owners who are required to perform work and pay fees have failed to do so, the interest of such co-owner or co-owners may, upon such failure being proved to the satisfaction of the mining recorder, after notice of hearing has been served upon all persons interested, become vested in the co-owner who has acquired the interest of the estate in such claim, and who may have complied with the provisions of these regulations.

Mill-Sites

119. The Minister may, in his discretion, grant to the lessee of a mineral claim a lease of a tract of available, unoccupied and unreserved Crown land, not known to contain mineral of commercial value, as a mill-site. Lands available for waterpower purposes shall not be open to lease for this purpose except by authority of the Governor in Council.

120. The mill-site shall be marked on the ground and surveyed in the same manner as a mineral claim. The term of the lease shall be concurrent with the lease of the mineral claim in connection with which the mill-site is applied for, and shall be appurtenant thereto, and shall be for such period as the Minister may decide, and the rental shall be at the rate of one dollar an acre per annum, payable yearly in advance from the date of the lease.

121. In case the mill-site is not utilized as such to the satisfaction of the Minister within three years from the date of the lease, such lease shall be subject to cancellation in the discretion of the Minister.

Dominion Lands Act—*continued*

Tunnels and Adits

122. The holder of a mineral claim by entry or by lease may, in the discretion of the mining recorder, obtain permission to run an adit or tunnel for drainage or access to a mine through any occupied or unoccupied lands, whether mineral or otherwise, acquired under these regulations, upon security being first deposited or given to the mining recorder to his satisfaction for any damage that may be done thereby, and upon such other terms as he may consider advisable. The person obtaining such permission shall immediately record it in the office of the mining recorder against each claim affected thereby.

Water Rights

123. The recorded owner of a mineral claim or of any mill-site may obtain a grant to a water right of any unappropriated water for any mining or milling purposes, under the provisions of the regulations governing placer mining in the Northwest Territories, or under the provisions of the Dominion Water Power Regulations, according to the purpose for which the water is to be used.

Party Wall

124. (1) Unless the recorded owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall at least fifteen feet thick (being seven and one-half feet on each property) to the use of which the recorded owners of adjoining mineral claims shall be entitled in common.

(2) The recorded owners shall be entitled to such party wall in common as a roadway for all purposes and no person shall obstruct such roadway in any way by depositing soil rock or other material thereon, or in any other manner.

(3) Any recorded owners of adjoining mineral claims may, in any case, apply to the mining recorder, who may make an order dispensing with such party wall or roadway, or providing for the working of any material therein, or otherwise, as he may deem just.

Notices of Intention to Begin, Suspend and Abandon

125. (1) Before beginning actual mining operations, whether below ground or in open cut, on a location acquired under the provisions of the regulations, the recorded owner shall notify the mining recorder in writing of his intention to begin such operations, and the approximate date, at least fifteen days beforehand, but such notification does not apply to work that has for its object only the stripping or otherwise uncovering of an ore body purely as a means of prospecting. The notice which may be on forms to be obtained from the Department shall contain the following information:

(*a*) the particular point on the location at which a shaft or an adit is to be opened or open work begun;

(*b*) the name or number by which the shaft or other working shall be known, which name or number shall not be changed without consent of the Director;

(*c*) the name and post office address of the person in charge of such operations.

Failure or neglect on the part of the recorded owner so to notify the mining recorder of his intention to begin mining operations or to furnish the information provided for shall render the lease or grant liable to cancellation at the discretion of the Minister.

Dominion Lands Act—*continued*

(2) Before suspending operations on any workings connected with a shaft, adit, or open cut for a period likely to exceed three months, the recorded owner shall notify the mining recorder in writing at least fifteen days before such suspension shall take effect. When such suspension is the result of accident and previous notice is impossible, the recorded owner shall state the cause and whether all workings have been surveyed, as required by section 100.

(3) Upon resumption of work in any mine after a delay of more than three months, the recorded owner shall notify the mining recorder within fifteen days, stating the date of resumption.

(4) Before abandoning any workings connected with any shaft, adit, or open cut which, as a result of such abandonment, may become inaccessible, or in the event of complete abandonment of a mine in any case, the recorded owner shall notify the mining recorder on forms to be obtained from the Department and at least fifteen days before abandonment, unless such abandonment be due to accident, in which case the notice shall be sent at the first opportunity and the cause of the delay stated. The notice shall show:—

(*a*) the reasons of abandonment;

(*b*) the approximate position of any workings which have not been shown on the mine plans and the reason why this has not been done;

(*c*) the amount of ore blocked out in the abandoned workings and the value per ton;

(*d*) the state of natural ventilation of the mine;

(*e*) the inflow of water and probable level to which it may rise;

(*f*) how it is proposed to fence each opening which may be dangerous to people on the surface, such fencing to be of a character not deteriorating rapidly;

(*g*) in the case of complete abandonment, the mine plans, notes, etc., must accompany this form, or it must be stated, in the event of their requiring time to complete, how soon they will be sent.

Miscellaneous

126. Except as provided in section 9 of these regulations no person shall throw or dump earth, clay, stones or other material upon any mineral claim of which he is not the recorded owner or cause or allow water to be pumped or baled from his own claim onto the claim of another without the consent of the recorded owner.

127. Nothing herein contained shall, save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the passing of these regulations, and all mining rights and privileges heretofore and hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of His Majesty, his heirs and successors, and to the public rights of way and water.

128. Affidavits and declarations made under the provisions of these regulations may be made before a mining recorder, a sub-recorder, an emergency recorder or any person duly authorized to administer an oath.

Dominion Lands Act—*continued*

129. Any person designated by the Director shall have the right to enter into or upon and examine any mineral claim or mine within the meaning of these regulations. At any such examination the official conducting the same may institute such inquiry as he sees fit, and the recorded owner or his agent shall reply to any questions fully and to the best of his ability.

130. (1) Nothing herein contained shall be construed to limit the right of the proper authorities to lay out from time to time public roads across, through, along, or under any ditch, mill-site, water right, or mineral claim.

(2) The Director may from time to time grant authority to lay out rights-of-way for electrical transmission lines across, through, along, over or under any mining property acquired under the provisions of these regulations, together with full right to enter upon such mining property, or such portion thereof as the Director may deem necessary for the construction, maintenance, and repair of such electrical transmission lines, subject to full compensation being made to the owner of the mining property for any damage or loss which he may sustain by reason of such entry, such compensation in case of dispute to be determined by a Stipendiary Magistrate of the Northwest Territories.

131. Nothing herein contained shall affect any litigation pending at the time these regulations may become effective. Any person, however, who may have staked out a mineral claim or claims as nearly in accordance with the provisions of any former regulations as circumstances would admit, and who may have submitted application for entry of such claim or claims within the prescribed delay, but who may not yet have received such entry, may be granted entry for such claim or claims under the provisions of these regulations, if it can be shown to the satisfaction of the mining recorder for the district that a *bona fide* attempt was made to comply with the regulations at the time in force, and that the non-observance of any of the prescribed formalities was not of a character calculated to mislead others, and subject also to compliance within a reasonable period with such of the additional requirements of these regulations as the mining recorder for the district may consider necessary.

132. Every licensee who stakes out and records a mineral claim on his own licence shall be given by the mining recorder two free assay coupons upon the recording of the claim and two additional free assay coupons upon the recording of each year's representation work in connection with the claim thereafter. Provided such licensee shall forward to the Director, with charges prepaid, samples from the mineral claim together with the required number of coupons obtained in the manner set forth herein, he shall be entitled to have such samples assayed without charge, to the following extent: For one coupon, one assay for any ONE of the metals, gold, silver, copper, lead or iron; for two coupons, one assay for any ONE of the metals, nickel, zinc, tin, cobalt or tungsten. The assay results shall not be used for advertising purposes in any manner or form whatsoever.

Dominion Lands Act—*continued*

FORM "A"

FOR A FULL CLAIM

Mining District

I, ..., of....., in the.....Mining District make oath and say:

1. I am the holder of licence No..... dated the..... day of....., 19...., issued at.....

2. At.....o'clock on the.....day of....., 19...., I located in accordance in every respect with the provisions of the Quartz Mining Regulations, the.....Mineral claim situated (here describe the position of the claim as nearly as possible, giving the name or names of any mineral claim it may adjoin).

3. I have placed legal posts supported by a.....mound at the respective corners of said claim with the inscription on each post prescribed by the regulations now in force.

4. I have inscribed on location post No. 1 at the northeast corner the following words:—

5. I have inscribed on location post No. 2 at the southeast corner the following words:—

6. I have inscribed on location post No. 3 at the southwest corner the following words:—

7. I have inscribed on location post No. 4 at the northwest corner the following words:—

8. I have cut out and marked the boundaries between these posts as required by the regulations.

9. That to the best of my knowledge and belief the ground comprised within the boundaries of the said claim is unoccupied and unrecorded by any other person as a mineral claim; that it does not conflict with any reservation created under the provisions of section 20 of the regulations; and that it is not occupied by any building or any land falling within the curtilage of any dwelling house or any orchard, or any land under cultivation, or any land reserved from entry under the Quartz Mining Regulations.

10. I attach hereto the plans required by the regulations.

11. The claim is to be recorded in the name of.....who resides at..... whose Post Office address is..... and who is the holder of Miner's Licence No.....dated the.....day of....., 19...., issued at.....

12. I have (or have not, as the case may be) posted notice and made application for a reservation including and surrounding this claim, under the provisions of section 20 of the regulations.

Sworn and subscribed to at.....this.....day of....., 19.....

Dominion Lands Act—*continued*

FORM "A-1"

For Fractional Claim

Mining District

I, ..., of ..... in the..... Mining District, make oath and say:

1. I am the holder of licence No..... dated the ..... day of..... 19...., issued at.....

2. At..... o'clock on the .....day of ....., 19.... I located in accordance in every respect with the provisions of the Quartz Mining Regulations the .....fractional mineral claim situated.....

3. This claim is bounded on the north by....., on the south by..... on the east by....., and on the west by....., and is more particularly described by the attached plan in duplicate.

4. I have placed legal posts supported by a.....mound at the respective corners of said claim with the inscription on each post prescribed by the regulations now in force.

5. I have inscribed on location post No. 1 at the northeast corner the following words:—

6. I have inscribed on location post No. 2 at the southeast corner the following words:—

7. I have inscribed on location post No. 3 at the southwest corner the following words:—

8. I have inscribed on location post No. 4 at the northwest corner the following words:—

9. I have cut out and marked the boundaries between these posts as required by the regulations.

10. That to the best of my knowledge and belief the ground comprised within the boundaries of the said claim is unoccupied and unrecorded by any other person as a mineral claim; that it does not conflict with any reservation created under the provisions of section 20 of the regulations; and that it is not occupied by any building or any land falling within the curtilage of any dwelling house or any orchard, or any land under cultivation, or any land reserved from entry under the regulations.

11. I attach hereto the plans required by the regulations.

12. The claim is to be recorded in the name of....., who resides at ..... whose Post Office address is..... and who is holder of Miner's Licence No..... dated the..... day of ....., 19.... issued at.....

Sworn and subscribed to at..... this..... day of....., 19....

.....

Dominion Lands Act—*continued*

FORM "A-2"

FOR SUBMERGED CLAIM

Mining District

I, ..., of ....., in the.....Mining District make oath and say:

1. I am the holder of licence No..... dated the..... day of....., 19...., issued at.....

2. At ..... o'clock on the .....day of ..... 19...., I located in accordance in every respect with the provisions of the Quartz Mining Regulations the Submerged Mineral claim situated (here describe the position of the claim as nearly as possible, giving the name of the marginal mineral claim from which the submerged mineral claim is extended).

3. I have placed a post, supported by a mound, as close as possible to Post No..... (or) (to the witness post, witnessing Post No. .....) of mineral claim.

4. I have inscribed on said post the following words and numbers:—

5. That, to the best of my knowledge and belief the area of water comprised within the boundaries of the said submerged mineral claim is unoccupied and unrecorded by any other person as a mineral claim; that it does not conflict with any reservation created under the provisions of section 20 of the regulations; and that it is not reserved from entry under the Quartz Mining Regulations; and that it is wholly submerged.

6. I attach hereto the plans required by the regulations.

7. The claim is to be recorded in the name of..... who resides at ..... whose Post Office address is ..... and who is the holder of Miner's Licence No. ..... dated the..... day of....., 19....., issued at .....

Sworn and subscribed to at..... this ..... day of ....., 19.....

FORM "B"

RECORD OF A MINERAL CLAIM

Mineral Claim No. .....

.....Mineral Claim

Located by ..... of ..... for ..... from whom I have this day received the sum of $....., being the fee prescribed by the mining regulations for recording a mineral claim under licence No. .....

This claim is situated.....
(Insert Description)

This claim was located at.....o'clock, on the.....day of ....., 19....

Recorded this ..... day of ....., 19....

.....
Mining Recorder.

Dominion Lands Act—*continued*

FORM "C"

APPLICATION FOR A CERTIFICATE OF WORK AFFIDAVIT

I, ...of .....in the District of..... ..... holder of Miner's Licence No. ..... issued at..... ..... make oath and say:—

That I have done or caused to be done work on the.....Mineral Claim No. ..... situated at ..... in the ..... Mining District, not before reported, to the value of at least $..... since the ..... day of ....., 19.....

That the following is a detailed statement of such work, and the cost of each item:—
.....
.....

That the names and addresses of the persons who did the work above described, and the dates upon which each person worked in its performance are as follows: .....
.....
.....

That I have inspected or caused to be inspected the location posts of the said claim, and the mounds of earth (or stone), and they were found to be in the condition required by the regulations, on the..... day of....., 19.... The metal tags required under the regulations were found securely attached to the posts.

I have also caused to be cleared the boundary lines and on the same day they were clear.

Sworn and subscribed to at ..... this .....day of ....., 19....

FORM "D"

CERTIFICATE OF WORK

..... Mineral Claim No. .....

This is to certify that an affidavit setting out a detailed statement of the work done on the above claim since the .....day of....., 19.... made by..... was filed in my office on the .....day of....., 19....., and in pursuance of the provisions of the mining regulations, I do now issue this certificate of work in respect to the above claim to .....

The recorded holder of said mineral claim has done or caused to be done all necessary mining work thereon, in accordance with the regulations, for the period of.....years, ending the.....day of....., 19...., and under the provisions of subsection (2) of section 51, he is also entitled to an excess credit of $.....

.....
Mining Recorder.

Dominion Lands Act—*continued*

FORM "E"

GROUPING CERTIFICATE

..... District, ..., 19.....

This is to certify that in accordance with the provisions of the Quartz Mining Regulations the registered owners, or agents of the owners, of the following mineral claims have filed a notice of their intention to work such claims in partnership:—

Dated at ..... this.....day of....., 19....

.....
Mining Recorder.

FORM "F"

CERTIFICATE OF IMPROVEMENTS

..... Mineral Claim

Mineral Claim No. .....

This is to certify that.....of.....in the.....Mining District, has proved to my satisfaction that he has complied with all the provisions of the Quartz Mining Regulations, to entitle him to a certificate of improvements in respect of the.....Mineral Claim, situate at.....in the.....Mining District and in pursuance of the provisions of the said regulations I do now issue this certificate of improvements in respect of the above claim to.....

Dated.....

.....
Mining Recorder.

This certificate will become void unless the prescribed rental is paid within three months from its date.

FORM "G"

NOTICE

..... Mineral Claim

Mineral Claim No. .....

Situate in the.....Mining District

Where located.....

Take notice that I,.....intend, sixty days from the date hereof, to apply to the mining recorder for a certificate of improvements, for the purpose of obtaining a lease of the above claim.

And further take notice that action, under the Quartz Mining Regulations, must be commenced before the issuance of such certificate of improvements.

Dated this.....day of....., 19.....

Dominion Lands Act—*continued*

FORM "G-1"

NOTICE

..... Mineral Claim

No.....

..... Mining District

I, ...Surveyor General of Dominion lands, give notice that I will approve the survey and plan of this Mineral Claim, of which this plan is a copy, on being notified by the Director of the Lands and Development Services Branch of the Department of Mines and Resources, that the recorded owner of said Mineral Claim(s) has fully complied with the regulations for the disposal of Quartz Mining Claims, and that there are no outstanding protests against such plan or survey filed with the Mining Recorder.

Dated at Ottawa, this.....day of....., 19.....

.....
Surveyor General of Dominion Lands.

FORM "H"

APPLICATION FOR CERTIFICATE OF IMPROVEMENTS
APPLICANT'S AFFIDAVIT

Number of Claim .....

Name of Claim .....

Licence No. .....

I, ...of.....in the.....Mining District, make oath and say:—

1. I am the recorded holder and am in undisputed possession of the above mineral claim, situate at.....in the.....Mining District.

2. I have done or caused to be done work on the said claim in developing a mine to the value of at least $500, or (if the claim has been maintained in good standing for more than five years, at least $100 for each year that it has been so maintained), full particulars whereof are hereto annexed and marked "A".

3. I found valuable minerals in place within the limits of the said claim.

4. I had the claim surveyed by.....who has made plans of the said claim.

5. I posted one plan in the.....post office, being the nearest post office, to said claim, on the.....day of.....19.....

6. I posted a copy of the notice hereunto annexed, and marked "B", in the same post office as said plan is posted, on the.....day of....., 19..... and another copy in the mining recorder's office at..... on the..... day of....., 19....., which said notice and plan have been posted and have remained posted for at least sixty days concurrently with the publication of the said notice in the nearest local newspaper.....
(to be named)

7. I inserted a copy of the said notice in the.....a newspaper published in and circulating in the district, or in the nearest newspaper published in the district in which the claim is situated, where it first appeared on the..... day of.....19.., and was continuously published for sixty days.

8. I deposited a copy of the plan in the mining recorder's office at..... on the.....day of.....19...., and it remained there for reference for sixty days concurrently with the publication of the said notice in the newspaper.

Sworn and subscribed to at.....this.....day of.....19..

Dominion Lands Act—*continued*

FORM "I"

MINING RECORDER'S CERTIFICATE

Number of Claim .....

Name of Claim .....

Licence No. .....

Date located..... Date recorded.....

I hereby certify that.....has published a notice of his intention to apply for a certificate of improvements (or that he has published a survey notice, Form "J") for sixty days in the.....newspaper from the..... day of....., 19....., a copy of which notice is attached; that during the above period a notice in accordance with the provisions of the regulations has been posted and a copy of the plan of the said claim deposited for reference in my office; and that no notice of any action having been commenced against the issuance of the certificate of improvements, or against the acceptance of the survey as defining absolutely the boundaries of the claim, has been filed in this office.

The recorded owner of the claim at this date is.....

(Name in Full) (Occupation) (Address)

Dated....., 19.....

.....
Mining Recorder.

FORM "J"

SURVEY NOTICE

Name of Claim .....

Number of Claim .....

Situated in the.....Mining District.

Where located.....

Take notice that a survey has been made of the above mineral claim under instructions from the Surveyor General, and that at the termination of sixty days from the date of this notice the said survey shall be accepted as defining absolutely the boundaries of the said claim, unless in the meantime it is protested as provided in the Quartz Mining Regulations.

Dated this.....day of....., 19.....

.....
Mining Recorder.

Dominion Lands Act—*continued*

FORM "K"

DEPARTMENT OF MINES AND RESOURCES

No. .....

Fee $ .....

..... 19 ....

(Issuing Office) .....

MINER'S LICENCE

This Licence is issued to .....

called the licensee, of .....
(Address)

in consideration of the payment of a fee of.....dollars, under and subject to the provisions of the Quartz Mining Regulations, to be in force until and including the 31st day of March next succeeding the date hereof, and is not transferable.

.....
Mining Recorder.

NOTE.—Any infraction of the forest fire laws renders this licence liable to cancellation.
(Claims recorded under this licence are endorsed on the back.)

FORM "K-1"

DEPARTMENT OF MINES AND RESOURCES

No. .....

Fee $ .....

Ottawa ..... 19....

MINER'S LICENCE

This licence is issued to.....
called the licensee, of .....
in consideration of the payment of a fee of..... dollars, under and subject to the provisions of the Quartz Mining Regulations, to be in force until and including the 31st day of March next succeeding the date hereof, and is not transferable.

.....
Director, Lands and Development Services Branch.

NOTE.—Any infraction of the forest fire laws renders this licence liable to cancellation.
(Claims recorded under this licence are endorsed on the back.)

Dominion Lands Act—*continued*

FORM "L"

Serial No. .....

Renewal of Licence No. .....

Fee $ .....

April 1, 19....

DEPARTMENT OF MINES AND RESOURCES

RENEWAL OF MINER'S LICENCE

This renewal of Miner's Licence No. ..... which was issued at ..... by ..... on the ..... day of ..... 19.... to ..... of ..... called the licensee, is issued to the licensee in consideration of the payment of the fee of ..... dollars, and under and subject to the provisions of the Quartz Mining Regulations, renews the said licence until and including the 31st day of March next succeeding the date hereof, and is not transferable.

.....
Mining Recorder.

NOTE.—Any infraction of the forest fire laws renders this licence liable to cancellation.
(Claims recorded under this licence are endorsed on the back.)

FORM "L-1"

Serial No. .....

Renewal of Licence No. .....

Fee $ .....

DEPARTMENT OF MINES AND RESOURCES

April 1, 19....

RENEWAL OF MINER'S LICENCE

This renewal of Miner's Licence No. ..... issued by the .... on the ..... day of ..... 19 .... to ..... of ..... called the licensee, is issued to the licensee in consideration of the payment of the fee of..... dollars, and under and subject to the provisions of the Quartz Mining Regulations, renews the said licence until and including the 31st day of March next succeeding the date hereof, and is not transferable.

.....
Director, Lands and Development Services Branch.

NOTE.—Any infraction of the forest fire laws renders this licence liable to cancellation.
(Claims recorded under this licence are endorsed on the back.)

Dominion Lands Act—*continued*

FORM "N"

DEPARTMENT OF MINES AND RESOURCES

Revocation of Appointment of an Agent of a Mining Partnership

The undersigned being the majority in interest for the time being of the recorded members of the mining partnership known as "..... ....." hereby revoke the appointment of .... of ....., the heretofore agent of the said partnership, and hereby appoint ..... of ..... to be agent of the said partnership in the place and stead of the said.....

Dated at ..... this ..... day of ..... A.D. 19.....

Witness: .....

.....
Signatures of Partners.

The undersigned, being the agent above-mentioned, hereby consents to act as agent of the said partnership.

.....
Signature of Agent.

Witness: .....

.....
P.O. Address of Agent.

FORM "O"

DEPARTMENT OF MINES AND RESOURCES

Certificate of Appointment of a New Agent of a Mining Partnership

The undersigned being the majority in interest for the time being of the recorded members of the mining partnership known as "....." hereby appoint ..... of the ..... of ..... in the ..... of ..... to be the agent of the said partnership in the place and stead of ..... of ..... formerly agent of the said partnership, and now deceased.

Dated at ..... this ..... day of ..... 19.....

.....
Signature of Agent.

Witness: .....

.....
P.O. Address of Agent.

FORM "P"

DEPARTMENT OF MINES AND RESOURCES

Dissolution of a Mining Partnership

This is to certify that the Mining partnership which has hereto existed between the undersigned, under the name of "....." is hereby dissolved, and the Mining Recorder of ..... Mining District is hereby authorized to record the dissolution thereof in the books of his office.

Dated at ..... this ..... day of ..... 19.....

Witness: .....

.....
Signatures of Partners.

Dominion Lands Act—*continued*

SCHEDULE OF FEES

1.	For a miner's licence or renewal thereof for an individual.....	$ 5.00
2.	For an individual miner's licence issued on or after the 1st October in any year	3.00
3.	For renewal of a miner's licence of a mining partnership having not more than two partners	5.00
4.	For renewal of a miner's licence of a mining partnership having more than two but not more than five partners.....	10.00
5.	For renewal of a miner's licence of a mining partnership having more than five partners	20.00
6.	The fee for a miner's licence or renewal thereof for an incorporated company shall be based on the total value of all authorized shares of the company according to the following scale, provided, however, that in no case shall the value of any share having a par value be considered to be less than its par value, nor shall the value of any no-par value share be considered to be less than one dollar ($1.00):—	
	(*a*) Where the total value of all authorized shares of the company does not exceeed $40,000, the fee shall be.....	25.00
	(*b*) Where the total value of all authorized shares of the company exceeds $40,000 but does not exceed $100,000, the fee shall be.....	50.00
	(*c*) Where the total value of all authorized shares of the company exceeds $100,000 but does not exceed $500,000, the fee shall be.....	75.00
	(*d*) Where the total value of all authorized shares of the company exceeds $500,000 but does not exceed $1,000,000, the fee shall be.....	100.00
	(*e*) Where the total value of all authorized shares exceeds $1,000,000 but does not exceed $10,000,000, for each million dollars value, or fraction thereof, the fee shall be.....	100.00
	(*f*) Where the total value of all authorized shares exceeds $10,000,000, the fee shall be	1,000.00

Provided that in cases where the licence fee, as calculated above would be in excess of one hundred dollars ($100.00) and it is by affidavit of the president or secretary of the company proved to the satisfaction of the Minister that a part of the capital of the company is being used in other business enterprises and not in mining on Dominion lands in the Northwest Territories, such part may be deducted from such total value for the purpose of fixing the fee but not so as to reduce the fee for licence or renewal thereof below $100.00. Full information must be supplied in the affidavit of the president or secretary with regard to the name, nature and location of, and the amount of capital in each of the other enterprises referred to in this paragraph for which a deduction is claimed.

If the market value of a par value share of a company exceeds its par value, or if the market value of a no-par value share exceeds one dollar ($1.00), the market value of all the shares of a company exceeding par value in the case of par value shares, or one dollar ($1.00) in the case of no-par value shares at the time of application for a licence or renewal thereof, shall be considered as the value of those shares in ascertaining the total value of the authorized shares of the company for the purpose of fixing the fee for licence or renewal thereof.

7.	Whenever a miner's licence for a company is issued on or after the 1st October in any year, the fee shall be only one-half the amount above specified.	
8.	For recording each claim, located by a licensee on his own licence.....	$ 5.00
9.	For recording each claim, located by a licensee on behalf of another licensee	10.00
10.	For an examination of the record book, per claim.....	.10
11.	For inspecting any document filed with a mining recorder.....	.10
12.	For application for a certificate of work.....	2.50
13.	For recording with the mining recorder a transfer, agreement of sale, option, power of attorney, revocation of a power of attorney, copy of a writ of execution, discharge of execution, or any other instrument affecting any recorded claim, right or interest, for each claim.....	2.00

Dominion Lands Act—*continued*

14. For a substitutional miner's licence	1.00
15. For a special renewal licence under section 68 to save forfeiture, twice the prescribed licence fee.	
16. For filing report of work under section 68 to save forfeiture	10.00
17. For application for a lease of surface or mineral rights	10.00
18. For recording a certificate of revocation of agent and appointment of a new agent for a mining partnership	1.00
19. For recording a transfer of a share or shares in a mining partnership	1.00
20. For copies or certified copies of any document or record obtained from any officer per folio of 100 words	.30
21. For an abstract of the records of a claim, for first entry	1.00
For each additional entry	.10
22. For a grouping certificate	5.00
23. Rental of a claim, for the first period of twenty-one years	50.00
24. Rental of excess area, for first period, per acre	5.00
25. Rental for renewal period	200.00
26. Rental of excess area for renewal period, per acre	20.00
27. Rental for fractional claim	25.00
28. Rental for surface lease, for each acre, per annum	1.00
29. Registration of an assignment of a lease	3.00
30. For a substitutional record of entry	10.00
31. For application for a certificate of improvements	2.50

7. The Dredging Regulations

P.C. 2319

AT THE GOVERNMENT HOUSE AT OTTAWA

Monday, the 9th day of May, 1949.

Present:

His Excellency the Governor General in Council

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, Chapter 113, is pleased to order as follows:

1. The Regulations governing the issue of leases to dredge for minerals in the submerged beds of rivers in the Northwest Territories and Yukon Territory, made by Order in Council P.C. 4682 of 14th November, 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations governing the Issue of Leases to dredge for minerals in the submerged beds of rivers in the Northwest Territories

Dominion Lands Act—*continued*

and Yukon Territory" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations Governing the Issue of Leases to Dredge for Minerals in the Submerged Beds of Rivers in the Northwest Territories and Yukon Territory

1. These Regulations may be cited as *The Dredging Regulations.*

2. In these regulations:

(*a*) "Minister" means the Minister of Mines and Resources;

(*b*) "River" means a stream of water the bed of which is of an average width of one hundred and fifty feet throughout the portion thereof sought to be leased. The Mining Recorder shall be the judge as to whether or not any stream in connection with which dredging applications have been made is sufficiently large to be considered a river within the meaning of these regulations;

(*c*) "River Bed" means the bed and bars of the river to the foot of the natural banks.

3. The Minister may issue leases to any person granting the exclusive right to dredge for gold, silver and platinum in the bed of any river in the Northwest Territories and the Yukon Territory.

4. The length of river to be included in any lease shall be continuous, and shall in no case exceed ten miles measured along the middle of the river following its sinuosities.

5. Every lessee under these regulations shall have the exclusive right to dredge the river bed within the length of river leased to him.

6. Not more than one lease shall be issued in favour of one person.

7. The lessee shall, when so directed by the Minister, cause a survey to be made, at his own expense and in accordance with the instructions of the Surveyor General, of the extent of river leased to him, and the returns of such survey shall be filed in the Department of Mines and Resources within six months after receipt by the lessee of such direction and instructions.

8. The lease shall be for a term of fifteen years, at the end of which time all rights vested in or which may be claimed by the lessee under his lease shall cease, and determine. The lease may be renewed, however, from time to time at the discretion of the Minister, provided it is shown to his satisfaction that the leasehold has not been fully mined; that the lessee has, during the term of his lease, efficiently operated the leasehold, and that he has otherwise complied fully with the provisions of the regulations.

Dominion Lands Act—*continued*

9. The lessee shall not assign his lease, nor transfer or sublet the demised premises or any portion thereof, without the consent in writing of the Minister.

10. (*a*) A lease in the Northwest Territories shall be deemed to be subject to the rights of all persons, who, prior to the issue of the lease received entries for claims under the provisions of the Northwest Territories Placer Mining Regulations.

(*b*) A lease in the Yukon Territory shall be deemed to be subject to the rights of all persons, who, prior to the issue of the lease received entries for claims under the provisions of the Yukon Placer Mining Act.

11. (1) The lessee shall, within three years from the date of his lease, have at least one dredge, of such capacity as the Minister may deem sufficient, in operation upon his leasehold, and shall in every year thereafter during the continuance of his lease dredge from such leasehold not less than 20,000 cubic yards of gravel. If the lessee fails to furnish proof yearly, or at such times as the Minister may direct, of the efficient operation of such dredge, and of the actual work performed, the Minister may cancel the lease.

(2) Upon application to that effect being made to him by any persons holding adjoining dredging leaseholds, not exceeding five in number, the Minister may grant permission to such persons, for a term not exceeding ten years, to operate each of their respective dredges on any one or more of such leaseholds, and to perform on any one or more of them all the work required to be done on each leasehold separately, as required under the preceding section.

12. The lessee shall pay for the first year a rental of $100 for each mile of river leased to him, and for each subsequent year a rental of $10 for each mile.

13. The same royalty shall be paid upon gold mined under a dredging lease as is paid from time to time upon gold mined from ordinary placer mining claims.

14. The lessee may obtain from the Crown Timber Agent a permit or permits to cut, free of dues, such timber as may be necessary for the purposes of his mining operations. Such permit or permits shall contain a description of the tract or tracts within which the timber may be cut, and the kind, dimensions and quantities of timber to be so cut. Such permit, however, shall not give or be deemed to give to the holder thereof any exclusive right to the timber on the tract described therein.

15. The lessee shall not interfere in any way with the general right of the public to use for navigation or other purposes the river upon which he holds a lease. The free navigation of a river shall not be impeded by the deposit of tailings, and the current or stream shall not be obstructed in any material degree by the accumulation of tailings. If the lessee fails to observe this condition of his lease, notice may be posted by such officer as the Minister directs at the point where the stream has been impeded or obstructed or in the vicinity thereof, requiring such defect to be remedied, and a copy of such notice shall be served upon the lessee or his agent. If the lessee fails to remove, within the time set out in the said notice, the impediment or obstruction complained of, the lease may be cancelled by the Minister.

Dominion Lands Act—*continued*

16. The lease shall provide that,

(*a*) any person who received or who may receive entry under the Northwest Territories Placer Mining Regulations, or

(*b*) any person who received or who may receive entry under the Yukon Placer Mining Act,

shall be entitled to run tailings into the river at any point thereof and to construct all works which may be necessary for properly operating his claim, provided that it shall not be lawful for any such person to construct a dam or wing-dam within one thousand feet from the place where any dredge is being operated, or to obstruct or interfere in any way with the operation of any dredge.

17. The lease shall reserve all roads, ways, bridges, drains and other public works and all duly authorized improvements now existing or which may hereafter be made in, upon, or under any part of the river, and the power to enter and construct the same, and shall provide that the lessee shall not damage nor obstruct any public or duly authorized ways, drains, bridges, works and improvements now or hereafter to be made upon, in, over, through or under the river, and that he will substantially bridge or cover, and protect all the cuts, flumes, ditches and sluices and all pits and dangerous places at all points where they may be crossed by a public highway or frequented path or trail to the satisfaction of the Minister.

18. These regulations shall not restrict any rights which have been granted under former regulations.

19. The fees to be charged in connection with the administration of these Regulations shall be as follows:

Application for a lease	$5.00
Assignment of a lease	$3.00

8. The Domestic Coal Regulations

P.C. 2320

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, Chapter 113, is pleased to order as follows:

1. The Regulations for the Issue of Permits to Mine Coal, the property of the Crown, for domestic purposes but not for sale, in the Northwest Territories and Yukon Territory, made by Order in Council P.C. 4684 of 19th November 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

Dominion Lands Act—*continued*

2. The attached "Regulations for the Issue of Permits to Mine Coal the property of the Crown, for domestic purposes but not for sale, in the Northwest Territories and Yukon Territory" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Issue of Permits to Mine Coal, the Property of the Crown, for Domestic Purposes but not for Sale, in the Northwest Territories and Yukon Territory

1. These Regulations may be cited as the *Domestic Coal Regulations.*

2. In these Regulations.

(*a*) "Location" means the tract which may be described in a domestic coal permit.

(*b*) "Locator" means the person who locates or stakes a mining location in the manner prescribed in these Regulations.

(*c*) "Mining Recorder" means the Agent of Dominion Lands for the district, or other officer appointed by the Governor in Council for the purpose referred to.

(*d*) "Minister" means the Minister of Mines and Resources of Canada.

(*e*) "Year" means a period of twelve consecutive calendar months.

3. (1) The coal mining rights which are the property of the Crown in the Northwest Territories and Yukon Territory may be acquired by any person under permit issued by the mining recorder for the district at an annual rental of $5 payable in advance, provided, however, that these regulations shall not apply to school lands or to lands comprised in any national park, or other reserves made by Parliament or by order of the Governor in Council, or lands lawfully occupied for mining purposes, or land within any city, town, village, local administrative district or settlement, unless otherwise specially provided by the Governor in Council.

(2) The permit shall not convey to the permittee the right to sell any of the coal mined from the location described therein.

4. The maximum area of a coal mining location which may be acquired under permit shall be one (1) acre, and no person shall be permitted to hold at the same time more than one permit. The permit may, in the discretion of the Minister be renewed from year to year so long as the rights described therein are vested in the Crown, provided the permittee has complied in every respect with the requirements of the regulations under which such permit was issued, and provided he is operating a mine to the satisfaction of the Minister.

5. A coal mining location acquired under these regulations shall not exceed three chains, in width, measured in direct distance, and its greatest dimensions shall not exceed five chains, the maximum area embraced not to exceed one acre.

Dominion Lands Act—*continued*

6. (1) The location shall be staked out by the locator in person by placing at each of its four corners a wooden post not less than four inches square, driven not less than eighteen inches into the ground and showing that length above it. If posts cannot be driven into the ground the locator shall erect about each such post, to support it and keep it in place, a cairn or mound of stones at least three feet in diameter at the base and eighteen inches high. If the location is timbered a line joining the said posts shall be run and fully marked so as to be clearly discernible. If the ground is of such a character that any one post cannot be seen from the ends of either of the lines which form the angle at which the said post is placed, posts flattened on two sides—such flattened portions to face the direction of the line—shall be planted or mounded along the side lines wherever necessary, so that no difficulty may be experienced in following the boundaries of the location. The lines bounding the location shall be straight lines, due north and south and due east and west, and the locator shall mark on the post at the northeast angle of the location legibly his name in full, the date of staking, and the letters C.M.L. No. 1 to indicate that the post is coal mining location post No. 1. On the post marking the southeast angle of the location he shall place the letters C.M.L. No. 2 and his initials; on the post marking the southwest angle he shall place the letters C.M.L. No. 3 and his initials; and on the post marking the northwest angle he shall place the letters C.M.L. No. 4 and his initials.

(2) If a corner of the location falls within a ravine, bed of a stream, or other situation where the character of the ground may render the planting of a post impossible, the said corner shall be indicated by the erection at the nearest suitable point of a witness post, upon which he shall place the inscription provided for with regard to corner posts, together with the letters W.P., and an indication of the bearing and distance of the site of the corner marked by such witness post.

7. Application for a location shall contain a description of the location applied for, and shall be accompanied by a plan showing the position of such location in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the exact position of the location being definitely shown in the records of the department. The location shall be rectangular in form, except where a boundary of a previously located coal mining location is adopted as common to both locations, and in no case shall the length of the location exceed three times its breadth. Unless definite information is furnished as to the exact position of the location so staked the application for a permit will not be considered.

8. The location shall in all cases be personally staked out by the applicant, who shall within thirty days from the date of location submit his application in person to the mining recorder for the district, or to a sub-recorder for such district for transmission to the recorder. If personal application is not submitted in the manner prescribed within thirty days from the date of staking it shall not be considered.

9. Where two or more persons lay claim to the same location the right to acquire the same shall be in him who can prove that he was the first to make discovery, or to take possession by demarcation in the manner prescribed in these regulations.

Dominion Lands Act—*continued*

10. If application is made by two or more applicants for the same location, no one of whom is the original discoverer, the Minister may invite their competitive tenders.

11. No person shall enter upon for mining purposes or shall mine upon lands owned or lawfully occupied by another, until he has given adequate security to the satisfaction of the mining recorder for any loss or damage which may be thereby caused, and persons so entering, locating, prospecting or mining upon any such lands, shall make full compensation to the owner or occupant of such lands for any loss or damage so caused.

12. In addition to the rent a royalty at the rate of twenty-five cents per ton of 2,000 pounds shall be levied and collected on the merchantable output of the mine, and such royalty shall be payable to the mining recorder for the district. The person operating a mine shall furnish the mining recorder for the district with sworn returns monthly or at such times as the Minister may direct, accounting for the full quantity of merchantable coal mined, and shall pay the royalty thereon.

13. Default in payment of the royalty or in furnishing returns if continued for thirty days after notice has been posted at the mine or conspicuously on the property in respect of which it is demanded by the mining recorder, or by his direction, may be followed by cancellation of the permit.

14. The permit of any person who attempts to defraud the Crown by withholding any part of the royalty or who makes false statements of the amount of the coal taken out, may be cancelled by the Minister.

15. The permittee shall, before opening any mine on the tract described in his permit, and before removing any coal therefrom, notify the mining inspector in writing of his intention to do so, and with a view to conservation, all operations for the recovery of such coal shall be in accordance with instructions given by the Mining Inspector. Failure on the part of the permittee to so notify the mining inspector of his intention to commence operations, or failure to comply strictly with such instructions as may be issued by the Mining Inspector as to the manner in which the location shall be operated, will render the permit subject to immediate cancellation.

16. The mining inspector or other officer or person designated by the Minister shall have the right to enter upon any land acquired under permit, or the workings thereon, to examine all records and books of account of the permittee or operator, and to make such other examination as may be deemed necessary in order to ascertain whether or not the conditions of the permit and the instructions respecting operation are being complied with.

17. The permit shall be returned to the mining recorder on the date specified therein, and for failure to do so the mining recorder may refuse to issue another permit.

Dominion Lands Act—*continued*

18. In isolated portions of the Northwest Territories and Yukon Territory, Indians or Eskimos who apply for permission to mine small quantities of coal for their own, or for sale to others in their locality, may be granted permission so to do by the mining recorder, or other authorized officer, free of charge, without being required to make application under the provisions of these regulations.

9. The Coal Mining Regulations

P.C. 2321

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, Chapter 113, is pleased to order as follows:

1. The Regulations for Disposal of Coal Mining Rights, the property of the Crown, in the Northwest Territories and Yukon Territory, made by Order in Council P.C. 4846 of 26th November, 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations for the Disposal of Coal Mining Rights, the property of the Crown, in the Northwest Territories and Yukon Territory" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Disposal of Coal Mining Rights, the Property of the Crown in the Northwest Territories and Yukon Territory

1. These Regulations may be cited as the *Coal Mining Regulations*.

2. In these Regulations,

(*a*) "Coal Mining Location" means a tract of land, containing coal, located or staked in accordance with these regulations.

Dominion Lands Act—*continued*

(*b*) "Locator" means the person who locates or stakes a coal mining location, in the manner prescribed in these regulations.

(*c*) "Minister" means the Minister of Mines and Resources.

(*d*) "Mining Recorder" means the Agent of Dominion Lands for the district, or other officer appointed by the Governor in Council for the purpose referred to.

(*e*) "Year" means a period of twelve consecutive calendar months.

3. The coal mining rights which are the property of the Crown in the Northwest Territories and Yukon Territory, may be leased by the Minister to any person at an annual rental of $1 per acre, payable yearly in advance.

Provided, however, that these regulations shall not apply to school lands or to any land comprised within a National Park of Canada or reserves made by Parliament, or by Order of the Governor in Council, or to land within any incorporated city, town or village, local administrative district of settlement, unless otherwise specially provided by the Governor in Council.

4. The term of the lease shall be twenty-one years, renewable for a further term of twenty-one years, provided the lessee furnishes evidence, satisfactory to the Minister, to show that during the term of the lease he has complied fully with the conditions of such lease, and with the provisions of the regulations regarding the disposal and operation of coal mining rights which may have been made from time to time by the Governor in Council, and subject to renewal for additional periods of twenty-one years on such terms and conditions as may be prescribed by the Governor in Council.

5. The maximum area of a coal mining location shall be 2,560 acres, and no person shall be permitted to acquire more than one location, except by assignment:

Provided that a person who has been granted a lease for a location, and who subsequently abandons or assigns the same, may, after the expiration of twelve months from the date of the said lease, be permitted to secure another location.

Provided, further, however, that such right of relocation shall not be granted unless all payments on account of rent, royalty, or other liability to the Department, due by such person, have been fully made up to the date of the registration by the Department of the assignment of his right to such lease, or up to the date upon which the notice of his abandonment of the same was received by the Department.

6. Application for a coal mining location shall be filed by the locator in person with the mining recorder for the district in which the location is situated within thirty days from the date upon which the location applied for was staked in accordance with section seven (7) of these regulations. If, however, the location is distant more than one hundred miles from the offices of the mining recorder, the locator shall be allowed one additional day for each ten miles, or fraction thereof, in excess of one hundred miles. If the application is not filed within the time prescribed, it shall not be considered.

Dominion Lands Act—*continued*

7. (1) Application for a location shall be in duplicate and shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan in duplicate showing the position of such location in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the Department. The location must be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations the length not to exceed four times the breadth.

(2) The application shall be accompanied by evidence, supported by affidavit of the locator, to show that the following requirements have been fully complied with:

(*a*) That the location applied for has been defined on the ground by the locator in person by planting two wooden posts, at least four inches square and standing not less than four feet above the ground—such posts being numbered "1" and "2" respectively. The distance between post No. "1" and post No. "2" shall not exceed 21,120 feet and upon each post shall be inscribed the name of the locator and the date of the location. Upon post No. "1" there shall be written in addition to the foregoing, the words "Initial Post", the approximate compass bearing of post No. "2", and a statement of the number of feet lying to the right and to the left of the line between post No. "1" and post No. "2" thus: (Initial post, direction of post No. "2" is ..... feet lie to the right and ..... feet to the left of the line between post No. "1" and post No. "2"). When the tract which an applicant desires to lease has been located, he shall immediately mark the line between post No. "1" and post No. "2", so that it can be distinctly seen, in a timbered locality, by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts of the above dimensions or erect mounds of earth or rock not less than two feet high and two feet in diameter at the base in such a manner that the line may be distinctly seen.

(*b*) All the particulars required to be inscribed on posts No. "1" and No. "2" shall be set out in the application and shall be accompanied by a plan showing the position of the tract in its relation to some prominent topographical feature or other known point, such plan to contain sufficient data to admit of the location being shown definitely on the records of the Department.

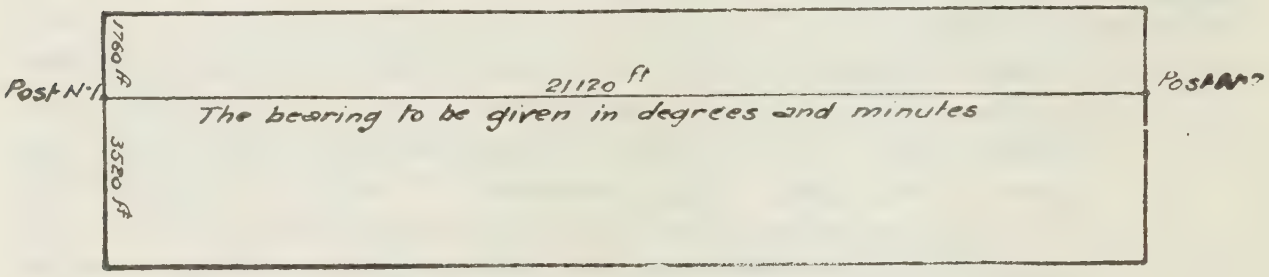
(*c*) The locator shall post a written or printed notice on a conspicuous part of the location applied for, setting out his intention to apply within thirty days from the date of such notice for a lease of the coal mining rights under the said location.

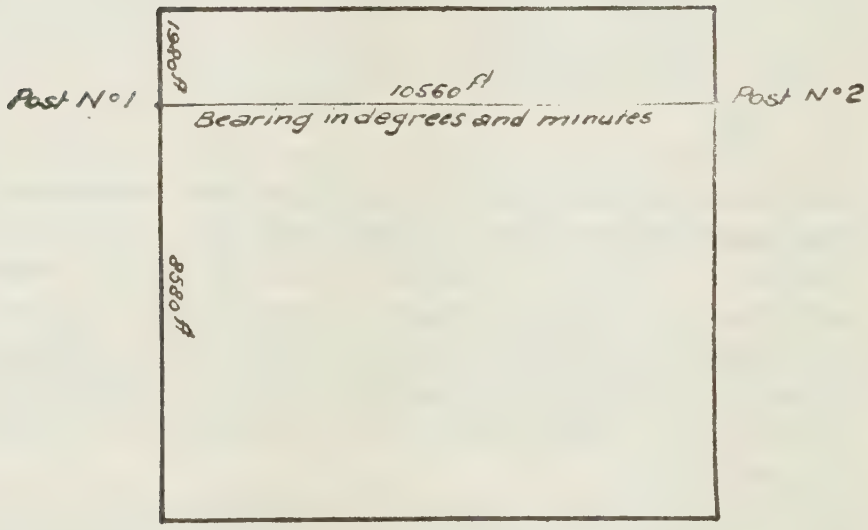
Dominion Lands Act—*continued*

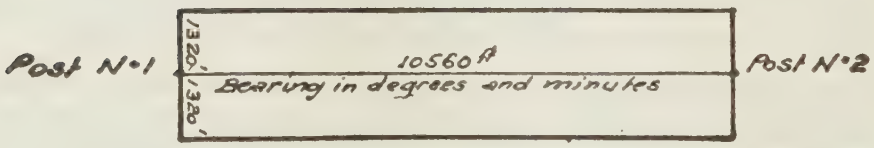
(For purposes of illustration, the following diagrams are given to show the manner in which coal mining locations may be laid out in unsurveyed territory.)

DIAGRAM SHOWING MODE OF STAKING

A location should be staked along its greatest dimension.







8. Where two or more persons lay claim to the same location, or to portions of the same locations, the right to acquire a lease shall be in him who can prove to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by demarcation in the manner described in these regulations, and that he made application for a lease thereof within the specified time.

Dominion Lands Act—*continued*

9. The lessee shall commence active operations on his leasehold within one year from the date upon which he may be notified by the proper officer of the Department to do so, and shall produce from such operations the quantity of coal specified in the said notification. Such notification shall not be given until the expiration of at least one year from the date of the lease, and shall set out the quantity of coal which the lessee is required to mine and produce at the pit's mouth ready for shipment, which quantity however, may be increased from time to time, upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity required to be mined exceed ten tons per annum for each acre leased. In case operations are not commenced within the time specified in the notice, or if the required quantity of coal is not mined during each year, the lease shall be subject to cancellation in the discretion of the Minister.

10. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

11. (1) The boundaries beneath the surface of coal mining locations shall be the vertical planes or lines in which their surface boundaries lie.

(2) The Lessee, however, shall not mine or excavate any coal within sixty feet from the boundary lines of the location which may be leased to him, and the rights and privileges granted under the lease shall not extend to the mining of any coal which lies within sixty feet from the said boundary lines, nor shall the lessee make or suffer to be made any opening underground into any adjoining lands through the said barrier of sixty feet which it is intended shall remain as a protection from water accumulating and from fire occurring in the mine which may be opened on the location, or in mines adjacent thereto, as well as for the prevention of subsidence.

12. All leases of coal mining rights, issued under these regulations shall be subject to the provision that actual settlers shall be entitled to buy at the pit's mouth whatever coal they may require for their own use, but not for barter or sale, at a price not to exceed $5 per ton, and the lease issued for coal rights shall be made subject to such provision.

13. The lease shall be in such form as may be determined by the Minister, in accordance with the provisions of these regulations.

14. A fee of $5 shall accompany each application for a lease, which will be refunded if the rights applied for are not available, but not otherwise.

15. The applicant for a lease of coal mining rights shall be given a period of thirty days from the date of the receipt of his application within which to pay to the mining recorder for the district the full amount of the rental for the first year of the term of the lease at the rate of one dollar an acre. If the rental is not received within the time specified, the application shall absolutely lapse, and the rights applied for shall again become available for other disposition in the discretion of the Minister. The lease, if issued, shall bear date the day upon which the application was granted.

Dominion Lands Act—*continued*

16. In isolated portions of the Northwest Territories and Yukon Territory, Indians or Eskimos who apply for permission to mine small quantities of coal for their own use, or for sale to others in their locality, may be granted permission so to do by the mining recorder, or other authorized officer, free of charge, without being required to make application under the provisions of these regulations.

17. If during the term of the lease the lessee shall fail to pay the rental in advance for each subsequent year at the rate of one dollar ($1) an acre per annum, within thirty days after the date upon which the same became due, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of all the rights granted thereunder.

Provided that if at any time after a lease has been cancelled through failure to pay the prescribed rental, the person in whose favour the lease stood recorded on the date of cancellation applies to the mining recorder for the district for re-instatement in the rights which he formerly had to such lease, and tenders the full amount of the rental which should have been paid to maintain the lease in good standing, with interest, such person may be re-instated in the right which he formerly had to the location sought to be re-acquired, or to any portion thereof, which may still be available.

18. If the surface rights thereof have been patented or have been disposed of by the Crown under any Act or regulation which contemplates the issue of patent, or if the surface rights have been disposed of temporarily under a terminable grant, the Minister may, in consideration of the expenditure to be incurred by the locator on the tract leased, in prospecting operations and upon application to that effect being filed with the mining recorder, of the district in which the location is situated, waive the payment of the rental for the first and the second years of the term of the lease, subject to the following conditions:

(*a*) Each such application shall be accompanied by a fee of one hundred dollars ($100) which amount will be deducted from the expenditure which the locator shall be required to incur in prospecting operations on his leasehold during the first year of the term of his lease. Such fee shall be refunded to the locator if the application is not granted.

(*b*) Subject to the deduction of the one hundred dollar fee, as provided in the foregoing subsection (*a*), the locator shall expend in actual prospecting operations upon his leasehold by recognized methods, during each of the first and the second years of the term of his lease, the sum of not less than one dollar ($1) for each acre of the total area of his location, and shall, prior to the termination of each of said two years submit evidence, satisfactory to the agent, supported by affidavit, to show that he has incurred the required expenditure in actual prospecting operations, by recognized methods, on the tract covered by his location. If the lessee fails to submit such evidence in the manner prescribed, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of all the rights granted thereunder.

19. In addition to the rent a royalty per ton of two thousand pounds at such rate as may from time to time be prescribed by Order of the Governor General in Council shall be levied and collected on the

Dominion Lands Act—*continued*

merchantable output of the mine, and such royalty shall be payable monthly to the mining recorder from the date upon which operations may be commenced. The person operating a mine shall furnish the mining recorder with sworn returns monthly, or at such times as the Minister may direct, accounting for the full quantity of merchantable coal mined.

20. Every lessee of coal mining rights which are not being operated shall furnish the mining recorder with a sworn statement to that effect at least once in each year.

21. If default is made in payment of royalty payable under a lease or in furnishing the returns and continued for thirty days after notice has been posted at the mine or conspicuously on the property in respect of which it is demanded by the mining recorder or by his direction, or if any attempt is made to defraud the Crown by withholding the royalty or any part thereof payable under that lease, or if false statements are made concerning the amount of coal taken from the lands described in that lease, the lease may be cancelled by the Minister and his decision shall be final.

22. A mining recorder or any person designated by him shall have the right to enter upon any land comprised within a coal mining location, or the workings therein; to examine all records and books of account of the lessee or operator of such mining location, and to make such other examination as may be deemed necessary in order to ascertain whether or not the terms of the lease for such location are being duly complied with.

23. The lease shall in all cases include the coal mining rights only, the property of the Crown, but the lessee may, upon application, be granted a yearly lease at a rental of $1 per acre per annum, payable yearly in advance, of whatever area of the available surface rights of the tract described in the coal mining lease the Minister may consider necessary for the efficient and economical working of the rights granted under such lease.

24. In case the surface rights of a coal mining location are covered by a timber licence, grazing or petroleum lease, mining claim or other form of terminable grant which does not contemplate the issue of patent, the lease shall not authorize entry thereon unless the permission of the Minister is first had and obtained, and such permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose.

25. (1) In case the surface rights of a coal mining location have been patented, or have been disposed of by the Crown under any Act or regulation which contemplates the earning of patent for such surface rights, and the lessee of the coal mining rights cannot make an arrangement with the owner of the surface rights, or his agent, or the occupant thereof, for entry upon the location, or for the acquisition of such portion of the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his lease, he may, provided the mineral rights in the

Dominion Lands Act—*continued*

land affected, with access thereto, and the right to use and occupy such portion of the said land as may be necessary for the effectual working of the minerals therein, have been reserved to the Crown in the original grant of the surface rights, apply to the Minister for permission to submit the matter in dispute to arbitration. Upon receiving such permission in writing, it shall be lawful for the lessee to give notice to the owner, or his agent or the occupant, to appoint an arbitrator within a period of sixty days from the date of such notice, to act with another arbitrator named by the lessee, in order to determine:

(*a*) What portion of the surface rights the lessee may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease;

(*b*) The exact position thereof;

(*c*) The amount of compensation to which the owner or occupant shall be entitled.

(2) The notice mentioned in this section shall be according to a form to be obtained upon application to the mining recorder for the district in which the land in question is situated, and shall, when practicable, be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served by leaving it at, or sending it by registered mail, to the last known place of abode of the owner, agent or occupant, and by posting a copy of the same in the office of the mining recorder for the district in which the land in question is situated. Such notice shall be served, if the owner, or his agent, resides in the mining district in which the land is situated, ten days, if out of the mining district and in the territory twenty days, and if out of the territory thirty days, before the expiration of the time limited in such notice. If the owner, or his agent, or the occupant of the land, refuses or declines to appoint an arbitrator, or when for any reason, no arbitrator is so appointed in the time limited therefore in the notice provided for by this section, the mining recorder for the district in which the land in question is situated shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent, or occupant, or that such owner, agent, or occupant wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode of such owner, agent, or occupant, as above provided, appoint an arbitrator on his behalf.

26. In case the two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator, select a third arbitrator, and when such two arbitrators cannot agree upon a third arbitrator, the mining recorder for the district in which the land in question is situated shall forthwith select such third arbitrator.

27. All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee, they shall decide as to the

Dominion Lands Act—*continued*

particular portion of the surface rights which the latter may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the owner or occupant shall be entitled.

28. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

29. The award of any two such arbitrators made in writing shall be final, and shall be filed with the mining recorder for the district in which the land is situated, within twenty days from the date of the appointment of the last arbitrator. Upon the order of the Minister the award of the arbitrators shall immediately be carried into effect.

30. Arbitrators shall be entitled to be paid a per diem allowance of $10 together with their necessary travelling and living expenses while engaged in the arbitration, and the costs of such arbitration shall be borne by the lessee.

31. Where a coal mining location comprises adjoining lands included in one or more leases, acquired by assignment or otherwise under the provisions of these regulations, recorded in the name of one lessee, and situated more than ten miles from a railway when the leases were issued, and where the lessee of such location can show that he has expended in actual prospecting and developing operations on the location by recognized methods during any year prior to railway communication with the location having been established, an amount equal to or in excess of the prescribed yearly rental of such location, the Minister, upon proof satisfactory to him showing that such expenditure was incurred for the purpose and in the manner specified on one or more of the leaseholds comprising the location, may waive payment of the rental for the year of the term during which such expenditure may be shown to have been incurred, or in case the rental has already been paid, he may apply such payment or such portion thereof as to him seems reasonable, on account of future payments of the rental of any leasehold included in the location, such expenditure, however, not to be accepted as payment of rental during a greater period than five years of term of the leases.

32. The lessee shall, before opening any mine on the lands described in the lease, and before extracting any coal therefrom, submit to the Minister plans and specifications showing in detail the manner in which it is proposed to open up, develop and operate such mine, and if the location contains more than one seam of coal, detailed information shall be furnished as to the particular seam which it is proposed to develop. No work shall be commenced for the recovery of coal, and no coal shall be extracted until such plans and specifications have been approved by the proper officer of the Department. The procedure to be adopted in opening up and operating a mine on the lands leased, as well as the particular seam of coal which shall first be operated, shall at all times be in accordance with the provisions of regulations duly approved by the Minister, and failure to comply with the requirements of such regulations shall render the lease subject to cancellation in the discretion of the Minister.

Dominion Lands Act—*continued*

33. The fees to be charged in connection with the administration of these regulations shall be as follows:—

Application fee	$ 5.00
Additional application fee under Section 18	100.00
Annual rental per acre—coal mining rights	1.00
Annual rental per acre—surface right	1.00
Registration of assignment of one lease	3.00
Registration of assignment of more than one lease, for each additional lease	0.50

10. Regulations for the disposal of Petroleum and Natural Gas Rights, the property of the Crown in the Northwest Territories and the Yukon Territory

P.C. 2322

AT THE GOVERNMENT HOUSE AT OTTAWA

Monday, the 9th day of May, 1949.

Present:

His Excellency the Governor General in Council

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to order as follows:

1. The Regulations for the disposal of Petroleum and Natural Gas Rights, the property of the Crown in the Northwest Territories and Yukon made by Order in Council P.C. 4104 of 10th October, 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations for the disposal of Petroleum and Natural Gas Rights, the property of the Crown in the Northwest Territories and Yukon Territory" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Disposal of Petroleum and Natural Gas Rights, the Property of the Crown in the Northwest Territories and Yukon

Interpretation

Definitions

1. (1) In these regulations, unless the context otherwise requires,

(*a*) "Department" means the Department of Mines and Resources;

(*b*) "Director" means the Director of Lands and Development Services Branch, of the Department of Mines and Resources, Ottawa.

Dominion Lands Act—*continued*

(*c*) "exploratory work" includes geological examinations, geophysical examinations, aerial mapping, investigations relating to sub-surface geology and test drilling;

(*d*) "geological unit" means a block of land within the confines of which is comprised what may be designated on structural or other geological grounds as an entire common accumulation of petroleum and natural gas;

(*e*) "legal post" means a stake or post of any kind, of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above ground; the post must be of such diameter that when squared or faced for eighteen inches from the upper end each face of the squared or faced portion shall be not less than four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position it may be made into a post by cutting the tree off not less than four feet from the ground and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width; whether a post is planted or a stump of a tree made into a post, a mound of stone or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground, and not less than eighteen inches high, cone-shaped and well constructed;

(*f*) "Lessee" means any individual, company or corporation, the holder of a petroleum and natural gas lease in good standing;

(*g*) "location" means the tract described in a petroleum and natural gas lease;

(*h*) "location line" of a petroleum and natural gas location means a straight line, opened or indicated throughout, between No. 1 and No. 2 location posts of the location and joining them;

(*i*) "Minister" means the Minister of Mines and Resources;

(*j*) "Mining Recorder" means the Agent of Dominion Lands for a district, or other officer appointed by the Government for the particular purpose referred to;

(*k*) "permit" means a permit to conduct exploratory work under these regulations;

(*l*) "permittee" means any person holding a valid permit;

(*m*) "Supervisory Engineer" means the officer of the Department appointed by the Minister to supervise in the field the observance of these regulations.

(2) For the purposes of these regulations, commercial exploitation shall be deemed to commence on such date as the Minister, having regard to the pertinent economic conditions, may declare that a market, commensurate to the productive capacity of the wells and the reserves discovered or being developed, is available.

Permit to explore

2. The Minister may issue to any person applying therefor a permit conveying the exclusive right to explore for petroleum and natural gas in lands, the property of the Crown, in the Northwest Territories and the Yukon Territory, if he is satisfied that the exploratory program to be undertaken is of such a nature that information of value will be obtained.

Dominion Lands Act—*continued*

Area

3. (1) The maximum area which may be held under one permit shall be sixty-four thousand acres and the minimum area shall be thirty-two thousand acres.

(2) Every such area shall be rectangular in form, the length being not greater than three times its breadth, and may be staked in any direction; provided, however, that where any area adjoins or is in close proximity to or is crossed by any important navigable river or rivers, the smaller dimension of such area shall be in the general direction of such river, or should there be more than one river, then in the general direction of the larger river.

(3) No person shall at any one time hold more than eight permits.

Term

4. Unless sooner cancelled under these regulations, every permit shall be valid for a period of three years and may be renewed for a further period of three years.

Assignment

5. The permittee shall not assign, transfer, or sublet the rights obtained under permit without first having obtained the written consent of the Minister.

Abandonment

6. (1) A permittee may at any time abandon the whole or any portion of the acreage held under permit if the amount expended for exploration equals the amount of the deposits made pursuant to Sections 8, 10 and 11 of these regulations.

(2) The area to be abandoned shall be rectangular in shape and shall be clearly described by reference to the boundaries specified in the permits affected.

Areas Held Under Lease Excluded

(3) In computing the maximum area held under permit, the areas held under lease shall not be included.

Application for permit

7. (1) Applications for permits and renewals shall be made to the Director.

(2) An application for a permit shall be made by registered mail and shall be posted not later than thirty days from the date of staking, provided, however, that at the discretion of the Minister an application posted in the registered mail later than thirty days may be considered if no other application has been received for the same area.

Fee—Deposit

8. Every application for a permit shall be accompanied,

(*a*) by a fee of two hundred and fifty dollars,

Dominion Lands Act—*continued*

(*b*) by a deposit of money or guarantee bond satisfactory to the Minister, to the value of five cents for each acre included in the area for which application is made, to cover the first eighteen months' period of the permit,

Information to be furnished

(*c*) by complete information setting out the extent and character of the examination to be made and an estimate of the cost thereof,

Description of area

(*d*) by a written description by metes and bounds of the area applied for, together with an explanatory sketch plan drawn to a suitable scale, indicating the positions of the legal posts, the positions of the four corners, the positions and lengths of the reference lines, the distances apart of cairns or mounds on the reference lines and the astronomic northing or southing and easting or westing from the most suitable recognizable natural feature or features shown on the official map sheet or sheets of the National Topographic series at the scale of eight miles to one inch; the sketch plan shall contain marginal diagrams in the form of squares of suitable size, opposite the sides of which will be indicated the markings on the corresponding sides of the legal post planted.

Method of staking

(*e*) by evidence supported by affidavit to show that the following requirements have been complied with:—

(i) that the area has been marked on the ground by at least one legal post planted preferably at one of the four corners or otherwise planted on one of the four side lines, an additional legal post to be planted wherever any one of the side lines is intersected by a travelled road or water route;

(ii) that each legal post planted has been referenced by a straight line marked on the ground at least two thousand feet in length commencing at the post and running along one of the boundaries; where the post is at a corner, this line, if possible, should be in the direction of the greatest dimension of the area; in timbered country the line shall be clearly marked on the ground by removing the trees and underbrush to a width of six feet along the entire length thereof and an area of ten feet square shall be cleared by cutting the underbrush so that the post shall be clearly discernible at a reasonable distance. In a locality where there are neither trees nor underbrush the line shall be marked by stone cairns or earth mounds at least thirty inches high and thirty inches in bottom diameter and placed at intervals of not more than four hundred feet;

(iii) that each legal post has been marked to show the name of the applicant for the permit, the hour and the date it was planted, the number of the post, whether it is a corner or a side post and the distance in miles and the direction to the two adjacent corners, in the manner indicated in Appendix A; the inscriptions to be placed on these legal posts shall be clearly and legibly marked by knife, marking iron or crayon, in such manner

Dominion Lands Act—*continued*

that they will not become obliterated; except when marked by a corner post the position of each corner is fixed by the natural feature from which it is referenced and the boundaries of the area are the straight line joining the four corners;

(iv) priority of application shall be based upon the date and time of the staking of the area applied for.

Exploratory work to be performed

9. (1) The permittee shall make an approved geological examination of the area, by surface exploration, geological operations, or other approved methods relating to the subsurface geology, such as drilling.

(2) The minimum expenditure for such exploration shall be equal to the amount of money or bonds on deposit by the permittee.

Deposit at end of eighteen months

10. At the expiration of eighteen months after a permit is first issued the permittee shall deposit money or guarantee bond satisfactory to the Minister to the value of twenty-five cents for each acre included in the permit.

Annual deposits for period of renewal

11. (1) Where application is made for renewal of a permit the applicant shall deposit, at the time of his application, money or guarantee bond satisfactory to the Minister to the value of thirty cents for each acre included in the permit.

(2) At the expiration of one year after the renewal the permittee shall deposit money or guarantee bond satisfactory to the Minister to the value of forty cents for each acre included in the permit.

(3) At the expiration of two years after the date of the renewal the permittee shall deposit money or guarantee bond satisfactory to the Minister to the value of fifty cents for each acre included in the permit.

Excess expenditure to be credited on succeeding year

12. If the permittee incurs during any period of his permit an expenditure on exploratory work in excess of the amount required under these regulations, the said excess shall be allowed as a credit against expenditures as required by sections ten and eleven for the succeeding periods.

Cancellation for failure to make deposits

13. Where a permittee fails to make the deposit of money or guarantee bonds satisfactory to the Minister required to be made by sections ten or eleven of these regulations the Minister may in his discretion cancel the permit.

Refund if application or renewal refused

14. Where an application for a permit is refused the application fee and the deposit of money or guarantee bond shall be returned to the applicant.

Dominion Lands Act—*continued*

Grouping of permits

15. (1) A permittee who has acquired more than one permit, may consolidate for operations and expenditures the areas described in such permits, if such areas or any portion thereof, are situate within a distance of twenty-five miles from the boundary of any area held under permit by the permittee upon which exploratory work is being done.

(2) For the purposes of this section the date of the consolidation shall be that of the earliest permit included in such consolidation.

Purpose of deposit

16. The deposit of money or guarantee bond shall be held by the Department as a guarantee that an expenditure equal thereto will be made in accordance with these regulations during the period for which the deposit was made.

Forfeiture

17. (1) The amount by which the value of the deposit exceeds the aggregate of the actual amount expended on or in connection with exploratory work during such period and the amount allowed as a credit under section twelve of these regulations for that period shall be forfeited to the Crown.

Minister to decide amount

(2) The amount of such expenditure shall be determined by the Minister on evidence of expenditure furnished by the permittee and such other evidence as the Minister may require.

Release of deposit

18. Such portions of the deposit as may be satisfactory to the Minister shall be released from time to time upon acceptance by the Minister of progress reports submitted to the Director by the permittee and such other information as the Minister may require in respect of expenditures made in relation to such progress reports together with the logs of any wells drilled and the conditions ascertained and the results obtained.

19. No release of any portion of the deposit shall be made until the permittee submits to the Director a statutory declaration setting forth the several items of expenditure incurred and the specific purpose for which each item was expended and the record of results obtained.

Semi-annual reports

20. At the end of each period of six months a permittee shall furnish the Director with copies of all aerial photographs and certified copies of all geological and geophysical plans and reports completed during such period together with full details of all drilling and other subsurface work undertaken.

Credit for expenditure on permit or group

21. At the expiration of each period of a permit or group of permits, referred to in sections eight, ten, and eleven, an amount of fifty per centum of the total expenditures as determined by the Minister pursuant to Section

Dominion Lands Act—*continued*

17 (2) made in respect of a permit or group of permits shall be placed to the credit of the permittee to be applied in satisfaction of the rental, including the first year's rental, of any leases acquired comprising portions of the area formerly held under such permit or group of permits; provided, however, that no portion of any such credit shall be applied on account of the rental of said leases after commercial exploitation of the geological unit on which the location or group of locations is situated has commenced.

Right of entry on permit area of departmental officer

22. It shall be lawful for the Minister, or anyone authorized by him, at all times, to enter upon the area held under permit and have access to all wells, records, plant, and equipment, and the permittee, his representative or operator, shall render the officer such assistance as may be necessary or essential, and such officer shall have the right to take samples, particulars, or carry out any tests or examinations desired.

Permittee may acquire leases

23. Where the permittee has complied with these regulations he shall have, at any time prior to the expiration of his permit, the exclusive right to acquire leases under these regulations to an area not exceeding thirty-five per centum of the area originally held by the permittee under permit; provided, however, that the total area acquired under lease by any one person, in accordance with the provisions of this section, shall, at no time, exceed one hundred and twenty-eight thousand acres.

LEASES

24. The petroleum and natural gas rights which are the property of the Crown, in the Northwest Territories and Yukon Territory and which are available may be leased to applicants at a rental of fifty cents an acre for the first year and one dollar an acre for the second and each succeeding year, payable yearly in advance.

Term of lease and renewal

25. The term of the lease shall be twenty-one years, renewable for successive periods of twenty-one years each, provided the lessee can furnish evidence satisfactory to the Minister to show that during the term of the lease he has complied fully with the conditions of such lease and with the provisions of the regulations in force from time to time during the currency of the lease.

Area

26. The maximum area of a petroleum and natural gas location shall be two thousand five hundred and sixty acres and the minimum area one thousand two hundred and eighty acres.

Application and fee

27. (1) Application for a lease of the petroleum and natural gas rights shall be forwarded to the Director by registered mail within thirty days of the date of staking.

(2) A fee of five dollars shall accompany each application.

Dominion Lands Act—*continued*

Description

28. (1) The application shall contain a description by metes and bounds of the location applied for and shall be accompanied by a plan showing the position of such location in its relation to some prominent topographical feature or other known point.

Plans

(2) The plan shall be drawn to an adequate scale and shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the Department.

(3) The location must be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations, the length not to exceed four times the breadth.

(4) The application shall be accompanied by evidence, supported by affidavit of the locator, to show that the following requirements have been fully complied with:—

(*a*) that the location applied for has been defined on the ground by the applicant in person or his agent, by planting two legal posts firmly in the ground, one at each extremity of the location line, which shall be known as "Location Post No. 1" and "Location Post No. 2": the location line shall be in the astronomical cardinal directions and shall be a straight line, measured horizontally between the location posts; the distance between Post No. 1 and Post No. 2 shall not exceed twenty-one thousand one hundred and twenty feet, or four miles, but may be less;

(*b*) the inscription to be placed on these posts shall be and remain clearly and legibly marked by knife, marking iron or crayon, but not so as to become illegible or obliterated:

(*c*) on Location Post No. 1 on the side facing in the direction of Location Post No. 2 shall be marked, beginning near the top of portion faced and extending downward, the following:—

(i) Oil Location;
(ii) No. 1;
(iii) the letter indicating the direction of Location Post No. 2—"N" for north or northerly, "S" for south or southerly, "W" for west or westerly, and "E" for east or easterly;
(iv) the number of feet lying to the right and the number of feet lying to the left of the location line—"R" for right and "L" for left:
(v) distance to Post No. 2;
(vi) the month and date of the month upon which the location was made;
(vii) the year;
(viii) the name of the person staking the location;

(*d*) on Location Post No. 2 shall be marked on the side of that post facing in the direction of Location Post No. 1 beginning near the upper end of the portion faced and extending downward, the following:—

(i) No. 2;
(ii) the month and date of the month upon which the location was made;
(iii) the year;
(iv) the name of the person staking the location;

Dominion Lands Act—*continued*

(*e*) the locator standing at Location Post No. 1 and facing in the direction of Post No. 2 shall have the right and left of the location line on his right and left respectively;

(*f*) When the tract has been defined, the locator shall mark out immediately the line between Post No. 1 and Post No. 2, so that it can be distinctly seen in a timbered locality, by blazing trees and removing underbrush, and in a locality where there is neither timber nor underbrush he shall set posts or erect mounds of earth or rock in such a manner that the line may be distinctly seen. In a timbered locality an area of ten feet square shall be cleared around each post by cutting the underbrush so that the post shall be clearly discernible at a reasonable distance.

(*g*) all the particulars required to be inscribed on Posts No. 1 and No. 2 shall be set out in the application;

(*h*) when an extremity of a location line falls in water, in the bed of a stream, or in any other locality unfavourable to the erection of a location post, the locator shall set up a witness post on the location line at a suitable point as near as possible to such extremity, and the marking already prescribed in the regulations to be placed on the location post shall be preceded by the letters "WP" as an abbreviation of witness post, on one line, followed by a second line indicating the distance in feet and the direction of the point which it is intended to witness, using "N" for north or northerly, "S" for south or southerly, "W" for west or westerly, and "E" for east or easterly; witness posts so placed shall be legal posts and shall govern the positions of the points which they are intended to witness; (see Appendix B);

(*i*) where any person has located or acquired a location on the margin of a body of water, and has reason to believe that the petroleum bearing strata extend under water, he may extend his staking between the production of two opposite sides of the marginal location by means of witness posts placed in the manner prescribed in these regulations, to include not more than one additional adjoining submerged location; (see Appendix B);

(*j*) the location shall be staked along its greatest dimensions, and the bearing of the location line shall be given in degrees and minutes;

(*k*) where a desired location is situated on an island containing, during periods of high water, not more than the minimum area of one thousand two hundred and eighty acres prescribed by section twenty-six of these regulations, its least dimension may be in any direction regardless of the general direction of the shore line; (see Appendix B);

(*l*) in case the tract applied for is located on the margin of a lake or river, its least dimension shall be in the general direction of the water frontage;

(*m*) the locator shall post a written or printed notice on a conspicuous part of the location applied for, stating that within thirty days from the date of staking he is applying for a lease of the petroleum and natural gas rights under the said location;

(*n*) priority of application shall be based upon the date and time of the staking of the location applied for.

Dominion Lands Act—*continued*

Removing posts

29. No one, other than a Dominion Land Surveyor authorized by the Surveyor General of Canada to survey the location, can lawfully move the posts on a location for which an application for a lease has been recorded. The Surveyor General will direct the moving of posts on the line of location where the area staked exceeds in extent the area specified in the application or does not conform to the provisions of Section 28 (3) of these regulations.

Boundaries

30. The boundaries beneath the surface of a location shall be the vertical planes in which its surface boundaries lie.

Survey before lease issued

31. The application for a lease shall be recorded and the terms of the lease become effective from date of record, but the registration shall not be confirmed nor the lease issued until a survey of the location has been made at the expense of the applicant by a Dominion Land Surveyor upon the instructions of the Surveyor General of Canada and the returns of survey have been approved by the Surveyor General and registered by the Director. The survey must be made within one year from the date of application unless satisfactory reasons are furnished justifying the granting of an extension of time.

Rental first year

32. (1) The rental for the first year of the location applied for at the rate of fifty cents an acre shall be payable in advance and no application for a lease of petroleum and natural gas rights shall be accepted or recorded until the full amount of the rent for the first year at the above rate shall have been paid in cash or by established credit.

(2) The lease, when issued, shall be in such form as may be determined by the Minister and shall bear date from the day upon which the application is recorded.

Rental for subsequent years and penalty for failure to pay in advance

(3) If, during the term of the lease, the lessee shall fail to pay rental in advance for each subsequent year at the rate of one dollar an acre per annum within thirty days after the date upon which the same became due, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of the rights which the lessee had in the said lease.

Installation of machinery and equipment

33. (1) The lessee shall, within one year from the date of the lease, have upon the lands described therein such machinery and equipment suitable for carrying on drilling operations as the Minister may consider necessary, and he shall within the same period furnish evidence, supported by affidavit, showing the character, quantity, and value of the machinery so installed, the date of its installation, and the particular parcel of land upon which it was installed.

Dominion Lands Act—*continued*

(2) If the required machinery is not installed within the period specified, and if evidence of its installation is not furnished within the prescribed period, the lease shall be subject to cancellation in the discretion of the Minister upon two months' notice to this effect being given to the lessee.

Drilling operations to commence and continue

34. (1) The lessee shall commence drilling operations on his location within fifteen months of the date of his lease and he shall continue such drilling operations with reasonable diligence, to the satisfaction of the Minister, with a view to the discovery of petroleum or natural gas.

(2) If the lessee does not commence drilling operations within the time prescribed, or if having commenced such operations he does not prosecute the same with reasonable diligence to the satisfaction of the Minister, or if he ceases to carry on the same for a period of more than six months, the lease shall be subject to cancellation in the discretion of the Minister, upon three months' notice to this effect being given to the lessee.

Consolidation or grouping

35. A lessee who has acquired more than one petroleum and natural gas lease may consolidate his operations and expenditure and install machinery and equipment on one or more of the locations described in the leases affected.

Maximum area of group

36. The maximum area of the locations which may be included in one consolidation or group shall not exceed thirty thousand seven hundred and twenty acres, nor shall the locations so included be separated one from the other by a greater distance than two miles.

37. Upon receipt of evidence that the lessee in respect of a location or group of locations consolidated under these regulations has incurred expenditures on or in connection with sub-surface geological or geophysical examinations or drilling operations or other necessary operations in connection with the completion of a well, such expenditures, exclusive of the purchase price of machinery and casing recovered but including an allowance for depreciation, shall be placed to the credit of the lessee and the credit so granted may be applied in satisfaction of the prescribed rental of the lease or leases comprising the location or group of locations in connection with which the expenditure was incurred; provided, however, that no portion of any such credit shall be applied in satisfaction of the rental of the leases comprising the location or group of locations in connection with which it was established after commercial exploitation of the geological unit on which the location or group is situated has commenced.

38. In the event of the lessee obtaining production of petroleum in commercial quantity on a location or authorized group of locations, he may be required by the Minister to drill such further well or wells thereon as the Minister, having regard to the proper conservation of said petroleum and its marketing in accordance with good operating and business practice, may in his discretion determine, and subject to the aforementioned considerations the lessee may be required to produce therefrom so long as the location or authorized group of locations shall continue to yield petroleum in commercial quantity.

Dominion Lands Act—*continued*

Right of entry on location of departmental officer

39. It shall be lawful for the Minister, or anyone authorized by him, at all times, to enter upon the demised premises and have access to all wells, records, plant, and equipment, and the lessee, his representative or operator, shall render the officer such assistance as may be necessary or essential, and such officer shall have the right to take samples, particulars, or carry out any tests or examinations desired.

Permission to enter on leased lands

40. In case the surface rights of a petroleum and natural gas location are covered by a timber licence, grazing or coal mining lease, mining claim or other form of terminable grant, the lease shall not authorize entry thereon without the permission of the Minister being first had and obtained, and permission shall be given subject to such conditions for the protection of the rights of such lessee or licensee as it may be considered necessary to impose.

Arbitration for entry on patented lands

41. (1) In case the surface rights of a petroleum and natural gas location have been patented, or have been disposed of by the Crown under any Act or regulation which contemplates the earning of patent for such surface rights, and the lessee of the petroleum and natural gas rights cannot make an arrangement with the owner of such surface rights or with his agent, or the occupant thereof, for entry upon the location or for the acquisition of such interest in the surface rights as may be necessary for the efficient and economical operation of the rights acquired under his lease, he may, provided the mineral rights in the land affected with access thereto and the right to use and occupy such portion of the land as may be necessary for the effectual working of the minerals therein have been reserved to the Crown in the original grant of the surface rights, apply to the Minister for permission to submit the matter in dispute to arbitration.

(2) Upon receiving such permission in writing, it shall be lawful for the lessee to give notice to the owner or his agent, or the occupant, to appoint an arbitrator within a period of sixty days from the date of such notice, to act with another arbitrator named by the lessee, in order to determine:—

(*a*) what portion of the surface rights the lessee may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease;

(*b*) the exact position thereof; and

(*c*) the amount of compensation to which the owner or occupant shall be entitled.

Notice of arbitration

42. (1) The notice mentioned in the preceding section shall be according to a form to be obtained upon application to the Mining Recorder for the district in which the land in question is situate, and shall, when practicable, be personally served on the owner of such land, or his agent, if known, or the occupant thereof, and after reasonable efforts have been made to effect personal service without success, then such notice shall be

Dominion Lands Act—*continued*

served by leaving it at or sending it by registered mail to the last known place of abode or address of the owner, agent or occupant, and by posting a copy of the same in the office of the Mining Recorder for the district in which the land in question is situate for a period of thirty days before the expiration of the time limited in such notice.

(2) If the owner, or his agent, or the occupant of the land refuses or declines to appoint an arbitrator, or when for any reason, no arbitrator is so appointed in the time limited therefor in the notice, the Mining Recorder for the district in which the land in question is situate shall forthwith on being satisfied by affidavit that such notice has come to the knowledge of such owner, agent or occupant, or that such owner, agent or occupant, wilfully evades the service of such notice, or cannot be found, and that reasonable efforts have been made to effect such service, and that the notice was left at the last place of abode or known address of such owner, agent or occupant, as above provided, appoint an arbitrator on his behalf.

Appointment of third arbitrator

43. In case the two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator, select a third arbitrator, and when such two arbitrators cannot agree upon a third arbitrator, the Mining Recorder for the district in which the land in question is situate shall forthwith select such third arbitrator.

Arbitrators to be duly sworn

44. All the arbitrators appointed under the authority of these regulations shall be sworn before a justice of the peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights of the owner and the needs of the lessee they shall decide as to the particular portion of the surface rights which the latter may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the owner or occupant shall be entitled.

Value; how determined

45. In making such valuation the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals thereunder.

Award

46. (1) The award of any two such arbitrators made in writing shall be final, and shall be filed with the Mining Recorder for the District in which the land is situate, within twenty days from the date of the appointment of the last arbitrator.

(2) Upon the order of the Minister the award of the arbitrators shall immediately be carried into effect.

Compensation

47. The arbitrators shall be entitled to be paid a per diem allowance of ten dollars, together with their necessary travelling and living expenses, while engaged in the arbitration, and the cost of such arbitration shall be in the discretion of the arbitrators.

Dominion Lands Act—*continued*

Relinquishment of whole or portion of location

48. The lessee may be permitted to relinquish at any time the whole or any portion of the location described in his lease, provided he has complied in every respect with the provisions of the regulations, and that all payments on account of rental or other liability to the Crown, due in connection with the lease, have been fully made, and provided the portion of the location which may be retained shall be of the prescribed shape, and shall not be of a less area than one thousand two hundred and eighty acres.

What lease conveys

49. (1) The lease shall in all cases include only the petroleum and natural gas, the property of the Crown, in the lands leased, but shall not include the oil shale rights to the land or to the oil which may be recovered from such shales by the process of extraction customary in such cases, and shall not include helium which shall remain the property of the Crown.

Surface lease

(2) The lessee may, upon application, be granted a yearly lease at a rental of one dollar an acre per annum, payable yearly in advance, of whatever area of the available surface rights of the tract described in his petroleum and natural gas lease the Minister may consider necessary for the efficient and economical working of the rights granted him.

Assignment

50. The lessee shall not assign, transfer, or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

Company registered or licensed in Canada

51. Any company acquiring by assignment, or otherwise, a lease under the provisions of these regulations, shall be a company registered or licensed in Canada.

Crown may assume control

52. (1) The Minister may at any time, by order in writing, cancel any lease or permit issued under these regulations and take, for the use of His Majesty, all or any part of the buildings, works, machinery, and plant upon the location in respect of which the lease or permit was issued, which property shall thereupon become and remain vested in His Majesty.

(2) When any such property is required for a limited time only or only a limited estate or interest therein is required, the Minister may in such order indicate that such property is taken for such limited time only or that only such limited estate or interest therein is taken and thereupon the right of possession for such limited time or such limited estate or interest shall become and be vested in His Majesty.

(3) The holder of the lease or permit shall be entitled to be paid compensation for any loss or damage sustained by him by reason of the exercise of the powers conferred on the Minister by this section and if such compensation has not been agreed upon the claim shall be referred by the Minister to the Exchequer Court of Canada.

Dominion Lands Act—*continued*

(4) The amount of the compensation shall be determined by the Exchequer Court as in the case of land or property acquired or taken under the Expropriation Act.

(5) Upon the making of any such order the Minister may assume immediate possession and control of the location together with such property thereon as may have been taken and may cause the same to be operated, and the produce thereof shall be disposed of as the Governor in Council may direct.

Annual return

53. (1) At the end of each year or the term of the lease the lessee shall furnish to the Director a statement, supported by affidavit, showing the number of days during the year that operations were carried on upon the location; the number of men so employed; the character of the work done; the number of holes completed or being drilled and the depth of each; the total expenditure incurred; a detailed statement setting out fully the purpose for which such expenditure was incurred; the quantity of petroleum or natural gas obtained, and the amount realized from the sale thereof.

(2) Failure to furnish such yearly return after sixty days from the end of the year will render the lessee subject to a fine of ten dollars a day for each day's delay in furnishing the sworn statement, and after three months' delay the lease shall be subject to cancellation upon three months' notice in writing to this effect being given to the lessee.

Rights formerly comprised in cancelled lease

54. When a petroleum and natural gas lease issued under the provisions of these regulations is cancelled in the records of the Department, the rights described in such lease shall not become available for application under the regulations until notice has been duly posted for a period of thirty days in the office of the Mining Recorder for the district in which the land is situate.

Royalty

55. (1) The products obtained from any location acquired under these regulations, not including natural gas and natural gasoline, shall be subject to the payment to the Crown of the royalty hereinafter mentioned. For the first five years from the date that commercial exploitation of the geological unit on which the location is situate has commenced, the rate shall be seven and one-half per centum of the products produced and saved from such unit; for the second five years the rate shall be ten per centum; and thereafter the rate shall be twelve and one-half per centum; subject to the provision that where it is satisfactorily proven that the cost of producing the products from the area covered by any lease or group of leases, including the amount paid in royalties, is such that the commercial exploitation thereof does not permit a reasonable profit on the capital invested therein, the Governor in Council may reduce the rate of royalty and likewise may increase it to the original level when reasons for making the reduction no longer exist. The Minister shall have the right to take currently the aforesaid royalty either in kind or in cash, payable monthly on the twenty-

Dominion Lands Act—*continued*

fifth day of the month next following the calendar month of production, equivalent to the value of the Crown's royalty proportion of the said products, at the prevailing prices at the well-head; provided that at the election of the Minister, the aforesaid royalty shall be payable partly in kind and partly in cash.

(2) Natural gas and natural gasoline, whether recovered on the location or elsewhere, and not used by the lessee in the course of the working of his operations, shall be subject to the payment of such royalty as may be fixed by the Governor in Council.

(3) Where the Minister so declares, subsection one of this section shall apply to any well which is producing petroleum for local consumption notwithstanding that commercial exploitation has not commenced.

(4) Any products of a location or group of locations used by a lessee in the course of the working of his operations thereon shall not be subject to the payment of royalty.

56. Royalty paid by a lease as provided in section fifty-five shall be credited on account of the rental each year in excess of fifty cents an acre on a location or group of locations situated on a geological unit standing recorded in the name of such lessee.

Notice of intention to begin drilling operations

57. (1) Before beginning drilling operations the lessee shall notify the Supervisory Engineer in writing of his intention to begin such operations and shall state:

(*a*) the particular point on the location at which operations are to be conducted;
(*b*) the number or other designation by which the well shall be known which number or designation shall not be changed without the consent of the Supervisory Engineer;
(*c*) the size and weight of casing to be used;
(*d*) the kind of drilling rig to be employed; and
(*e*) the name and post office address of the person in charge of such operations.

(2) The lessee shall not begin drilling operations until he has received in writing the approval of the Supervisory Engineer of the proposals submitted under this section; provided that in any particular case such approval may first be given orally.

(3) No change in the program outlined in the Notice of Intention shall be made without submitting notice of the change of plans to the Supervisory Engineer and receiving approval of such change; provided, always, that in cases of emergency in which an immediate departure from or variation in the program is necessary, such departure or variation shall be made to the extent that such is necessary, and in any such case the lessee shall immediately advise the Supervisory Engineer in writing.

Where wells may be drilled

58. No well for the discovery of petroleum or natural gas other than a directional well shall be drilled within three hundred and thirty feet of any of the outer boundaries of the location or locations in a group nor within three hundred and thirty feet of any road allowance, surveyed road, or other right of way, dwelling, school or church, except in accordance with regulations prescribed by the Minister.

Dominion Lands Act—*continued*

Limitation of number of wells and defining distance apart

59. The Minister may in his discretion, having due regard to good operating practice, limit the number and define the distance apart of wells on any geological unit.

Marking of equipment

60. The lessee shall mark all his rigs, wells, and tanks with conspicuous numbering and designations and shall maintain such markings unchanged.

Daily reports

61. (1) The lessee shall maintain on forms approved by the Director a daily report of drilling operations and such report shall be made in duplicate, one copy being at all times retained at the well and open to inspection by the Supervisory Engineer.

(2) The original report shall be countersigned by the lessee or his agent and forwarded to the Supervisory Engineer at the end of each and every week during the course of operations.

Samples

62. (1) The lessee shall cause to be preserved and maintained a series of samples of the formations penetrated by the drill in each drilling operation, such samples to be taken from successive depths of ten feet or at such intervals as may be directed by the Supervisory Engineer and such samples shall be washed, dried, accurately labelled, and forwarded in accordance with instructions issued by the Director.

Cores

(2) The lessee shall keep and preserve representative specimens of all cores recovered in properly constructed and marked core boxes and such cores shall be available for inspection and examination by the Supervisory Engineer.

63. The lessee shall, when a well being drilled is approaching a formation from which production of petroleum or natural gas may be expected, if required to do so by the Supervisory Engineer, core and adequately test such formation.

Notification of discovery

64. When during operations on a location acquired under these regulations petroleum or natural gas or both be discovered, the lessee shall immediately notify the Supervisory Engineer of the same by the most reasonably expeditious method.

Control of petroleum and natural gas

65. (1) The lessee shall make adequate provision to the satisfaction of the Supervisory Engineer for the control and conservation of petroleum and natural gas at every well and he shall maintain the equipment provided for such purpose in proper condition.

(2) If at any time in the opinion of the Supervisory Engineer such equipment is inadequate, he may prescribe remedial measures which shall be instituted and completed before any further drilling or production is undertaken.

Dominion Lands Act—*continued*

66. Whenever a stratum penetrated in a well is capable of producing natural gas in commercial quantity or is known to be likely to yield it in such quantity, the lessee shall confine such natural gas to its original stratum until such time when such gas can be produced and utilized without waste.

Sampling water

67. When during drilling or producing operations water makes its appearance in a well or any indication appears that may reasonably be taken as evidence of change in the source or other condition of water already notified as having appeared in the well, the lessee shall immediately notify the Supervisory Engineer and, if the drilling system permits, shall take a sample of not less than one gallon of such water to be placed at the disposal of the Supervisory Engineer for analysis and shall afford him such facilities as may be necessary for sampling the water in or at the well.

Control of water

68. The lessee of a location upon which a well has been or is being drilled shall use every means and endeavour in accordance with the most approved practice to shut-off water above or below the petroleum or natural gas-bearing stratum or strata, to test the efficacy of such shut-off and to prevent water from entering such petroleum or natural gas-bearing strata.

Closing a well

69. (1) The lessee shall at all times take reasonable measures to the satisfaction of the Supervisory Engineer to prevent the injurious access of water to the petroleum-bearing formation.

(2) Upon a well proving to be unproductive, or ceasing to yield petroleum in commercial quantity, or being abandoned for any cause, the lessee shall be at liberty to withdraw the casing from the said well, but in order to prevent water gaining access to the petroleum-bearing formation, the lessee shall immediately close the well by filling it with cement, clay or other approved material which may have the effect of preventing water from gaining access thereto.

Test of water shut-off

70. (1) When a test of the water shut-off is intended to be made by the operator in any well, the lessee shall notify the Supervisory Engineer of the time that such test is to be made.

(2) The Supervisory Engineer shall be present at such test unless such representation is waived by the Director.

(3) Should the test of water shut-off prove to be unsatisfactory, the Supervisory Engineer may direct that further tests be made and may direct that such remedial measures be instituted as may be deemed necessary effectually to exclude water from the well, and any additional tests required or remedial measures shall be made or instituted without unreasonable delay.

Notice of test

71. (1) When it appears to the Supervisory Engineer that water is entering any petroleum or natural gas-bearing stratum penetrated by a well drilled on a location acquired under these regulations or that water

Dominion Lands Act—*continued*

in such well is likely to become injurious to the economic production of petroleum and natural gas from the geological unit upon which such well is drilled, he may order a test of water shut-off and designate a day upon which the same shall be made.

(2) Such order shall be in writing and shall be served upon the lessee or his agent at least fifteen days prior to the day designated in the said order upon which the test of the said shut-off shall be made.

(3) Upon receipt of such order the lessee or his agent shall make the said tests in the manner and at the time specified.

Access of salt water

72. The lessee shall take all reasonable care and carry out such measures as may be satisfactory to the Supervisory Engineer to prevent the access of salt water to any river or stream.

Deviation of well from vertical

73. The lessee, when directed by the Supervisory Engineer, shall make, or cause to be made, tests at intervals not exceeding five hundred feet from the top to the bottom of the well or such lesser intervals as the Supervisory Engineer may require for the purpose of ascertaining to what extent, if any, the well deviates from the vertical and shall submit a report of the same with the daily drilling reports at the end of each week.

Electrolog

74. (1) The Supervisory Engineer may require the lessee to take or cause to be taken an electrolog of any well.

(2) The lessee shall see that the electrical resistivity, weight, and viscosity of the mud are recorded on the electrolog.

(3) A copy of all electrologs, whether taken at the direction of the Supervisory Engineer or not, shall be supplied to the Director.

Notice to be given of shooting of well

75. (1) The lessee shall not allow a well to be shot, perforated, or re-treated with acid until the Supervisory Engineer has been notified in writing of such intended action and his consent obtained.

(2) The lessee shall submit to the Supervisory Engineer a report on every well shot, perforated, or treated with acid, on a form obtainable from the Department.

(3) In case any injury is done to the well by shooting, perforation, or treatment with acid, it shall be repaired immediately to the satisfaction of the Supervisory Engineer.

Completion of well

76. When completing the drilling of any well, the lessee shall adopt such methods and use such equipment as the Supervisory Engineer may from time to time prescribe or approve.

Taking of tests by Supervisory Engineer

77. (1) The surface and subsurface equipment of every petroleum and natural gas well shall be so arranged as to allow the Supervisory Engineer to take the closed-in pressure, the bottom-hole pressure, the working pressure, or make any tests required at any time, and the lessee shall assist him at any time to carry out tests so required.

Dominion Lands Act—*continued*

Subsurface equipment and surface equipment

(2) The subsurface equipment shall include a pincollar or its equivalent appended to the lower end of the production string or tubing as a safeguard against loss of testing equipment.

(3) The surface equipment shall include such valve connections as are necessary to sample the oil, gas or water produced.

(4) For sampling the gas there shall be a half-inch sampling valve.

Suspension of operation

78. The lessee shall notify the Supervisory Engineer in writing immediately drilling or production operations are suspended at any well and before suspension he shall so arrange the well head that no waste of gas or petroleum can occur and that no opportunity be afforded for the access of water to or between the casings of the well.

Resumption of operations

79. The lessee shall not deepen nor undertake the repair or the making of other permanent change to the condition of a well in which drilling has been suspended for a period of more than six months, or which has been in production, without previously notifying the Supervisory Engineer in writing to that effect.

Abandonment of well

80. Before abandoning a well drilled on a location acquired under these regulations and before removing any part of the casing from such well, the lessee shall notify the Supervisory Engineer in writing of his intention so to do on forms obtainable from the Director, and shall furnish a log of the well if he has not already done so and shall obtain written approval of such abandonment and removal of casing from the Supervisory Engineer; provided that in any particular case such approval may first be given orally.

Logs to be kept

81. (1) The lessee shall keep and maintain to the satisfaction of the Supervisory Engineer a careful and accurate log of each and every well drilled, such log to show the character, depth, and thickness of each formation passed through or penetrated, and particularly to show the depth, thickness, and, where tests are made, the porosity, permeability, and saturation of each stratum containing petroleum, natural gas, or water, the pressure, yield, and chemical characteristics of each significant occurrence of petroleum, natural gas, and water, together with full details of electrologs, deviation from the vertical, casing, cementation, treatments with acid, perforations, plugs and all other information pertinent to the condition of the well and its productive capacity.

(2) Such log shall be kept in the field office of the lessee and shall be at all times open to the inspection of the Supervisory Engineer.

(3) Upon the completion of any well or upon the suspension of operations upon any well for a period of ninety days, a copy of the said log,

Dominion Lands Act—*continued*

in duplicate, and in such form as the Supervisory Engineer shall direct, shall be filed within thirty days after such completion, or after the expiration of the ninety-day period, with the Director, and a like copy shall be filed upon the completion of any additional work in the deepening or repairing of any such well.

Plans to be furnished annually

82. The lessee shall furnish the Director at least once each twelve-month period a plan in duplicate showing the position of all wells, test holes, pipelines, tanks, buildings, or other structures on the location and such plan shall be prepared on a scale of not less than one thousand three hundred and twenty feet to the inch.

Monthly report of petroleum and natural gas produced

83. In the event of petroleum and natural gas being produced from any well or wells, the lessee shall mail to the Director not later than the twenty-fifth day of each month, a full report of the petroleum and natural gas produced during the preceding month and of its disposal, such report to show:

(*a*) the quantity of petroleum and natural gas produced from each well during the preceding month;

(*b*) the specific gravity of such petroleum;

(*c*) the number of days during which petroleum or natural gas was produced from each well;

(*d*) the amount of petroleum or natural gas delivered from and used on the location; and

(*e*) the amount of petroleum in storage on the location at the end of the month.

Restriction of flow of natural gas

84. The production of natural gas from any well shall be restricted to the market demand and in no event shall the production exceed twenty-five per centum of the open flow of the well, provided that the Minister may, in his discretion, allow such additional volume to be used as he deems expedient.

Waste of petroleum and natural gas

85. (1) The lessee shall take all reasonable and proper precautions to the satisfaction of the Minister to prevent waste of petroleum and natural gas and his operations shall at all times be so conducted as to enable him to prevent the escape of petroleum and natural gas.

(2) Waste shall be deemed to occur *inter alia* when in the opinion of the Minister

(*a*) petroleum or natural gas is rendered unavailable for use in accordance with the best and most economic operating practice by reason of the employment of extravagant or inefficient means of production, storage or transport;

(*b*) the ultimate recovery of the petroleum or natural gas from any geological unit is curtailed or otherwise prejudiced by reason of the failure of the lessee or lessees to comply with these regulations and such additional regulations as the Minister may from time to time make in accordance with section ninety-five;

Dominion Lands Act—*continued*

(*c*) petroleum or natural gas or both are produced in excess of the allowable production as may be defined by the Minister in accordance with section eighty-seven;

(*d*) natural gas is produced from any well classified by the Minister as a producer of petroleum in excess of the amount needed to produce such petroleum in accordance with good operating practice or of the amount the Minister may designate;

(*e*) the amount of water produced from any well or wells unduly lowers the pressure in the productive horizon or horizons or otherwise disturbs the uniform withdrawal from the geological unit, or

(*f*) the excess of water produced over an amount that may be determined by the Minister is not returned as directed to the productive horizon.

Delimitation of geological unit

86. (1) The Minister may in his discretion delimit an area upon which petroleum or natural gas has been proved to occur as a geological unit and may require that drilling and production on all locations comprised therein shall proceed according to a common plan having for its purpose the more efficient and economic production of petroleum and natural gas.

(2) If the lessees fail to agree within six months of such delimitation upon a plan satisfactory to the Minister, he may appoint an officer of the Department to draw up a plan and all lessees shall operate the wells upon their locations as such officer directs for such period as the Minister may decide.

87. The Minister may prescribe regulations for the determination of the allowable production of any well or wells and regulate the taking of petroleum or natural gas from any source of supply so as to prevent waste and to ensure conservation of these natural resources in accordance with the best practice.

Minister may assume control of well

88. (1) The Minister may assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the escape of petroleum or natural gas if the lessee or his agent fail to do so or appear unable to do so.

(2) The Minister may assume control of the operation of a well and adopt such means as may appear to him to be necessary or expedient to prevent the access of water to the well, the access of water to petroleum or natural gas-bearing strata or both, or the escape of water from the well if the lessee or his agent fail to do so or appear unable to do so.

(3) Such officer or officers of the Department as the Minister may designate may enter upon the premises of any location acquired under these regulations and perform the work defined under subsections one and two of this section and for that purpose may take possession of and use any drilling rig, derrick, tools, machinery, other appliances or equipment, fuel, water, and other materials, necessary for the performance of the work which may be upon the location or which may be the property of the lessee.

Dominion Lands Act—*continued*

(4) The Minister may recover from the lessee of the location upon which he takes control of a well for the reasons outlined in subsections one and two of this section all costs and expenses incurred by the said officer or officers in the performance of the operations so undertaken.

Safety precautions to be taken

89. (1) No inflammable product or waste product of any kind from any petroleum or natural gas well shall be permitted to flow into any lake, stream, or other body of water, or upon any highway or public road, and all waste of petroleum and refuse from tanks or wells must be drained into adequate receptacles at a safe distance from tanks, wells, or buildings to be immeditaely burned or transported from the premises, and in no case shall it be permitted to flow over the land.

(2) The lessee shall cause to be cleared of combustible material such area around any well or other works constructed or operated by him as may be required by the Supervisory Engineer and where necessary and practicable the lessee shall construct and maintain a ploughed fire-guard around such area.

Disposal of earth, rock or waste

90. The lessee shall at all times during the term of his lease make such provisions to the satisfaction of the Supervisory Engineer for the disposal of the earth, rock, waste or refuse of the location that the same shall not be an inconvenience, nuisance, or obstruction to any roadway, pass, passage, river, creek or place or to any private, public or Crown lands, or conflict or embarrass the operating of any mines on the said lands, or in any manner whatsoever occasion any private or public damage, nuisance, or inconvenience.

Enclosure of openings or excavations

91. The lessee shall enclose and keep enclosed all abandoned openings or excavations made in connection with or for the purpose of prospecting for and producing petroleum and natural gas or other operations on the location with fences or walls sufficient to prevent any person or animal falling thereinto, such fences or walls to be of a height and character satisfactory to the Supervisory Engineer.

Charges for products for use in N.W.T. and Yukon

92. (1) The lessee shall from time to time on the instruction of the Minister submit a schedule of rates and prices which the lessee is charging for petroleum products obtained from the location for use in the Northwest Territories or Yukon Territory for approval or adjustment in so far as said rates and prices are not fair and reasonable, and shall thereafter before putting into effect any new schedule of rates and prices submit the same for approval or adjustment and no such rates or prices shall thereafter be legal or enforceable until so submitted and approved.

(2) The Minister may require the submission or resubmission at any time of existing schedules of rates and prices for adjustment and approval.

Dominion Lands Act—*continued*

Cancellation of lease for failure to comply with regulations

93. In case of the failure or neglect on the part of the lessee to comply fully with these regulations, the Minister may give written notice to the lessee specifying the breaches complained of, and unless the default specified in the said notice be remedied within ninety days the lease shall be subject to cancellation.

Lessee and Permittee

94. Where the term lessee is used in these regulations in relation to operations conducted thereunder, it shall include permittee.

Additional regulations

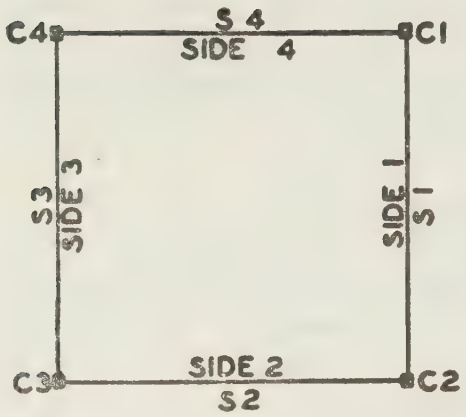
95. The Minister may from time to time make such additional regulations as may appear to be necessary or expedient governing the manner in which drilling operations shall be conducted and the manner in which wells shall be operated, also such orders as he may deem necessary for the interpretation and effective administration of these regulations.

Pipelines

96. Where no adequate existing facilities are available a lessee shall have the right to build, maintain, and operate a pipeline and connecting feeder lines and for the purposes thereof shall be entitled to free right of way over Crown lands and the use of public roads. The pipeline shall be operated as a common carrier under such regulations as the Governor in Council may impose.

APPENDIX A

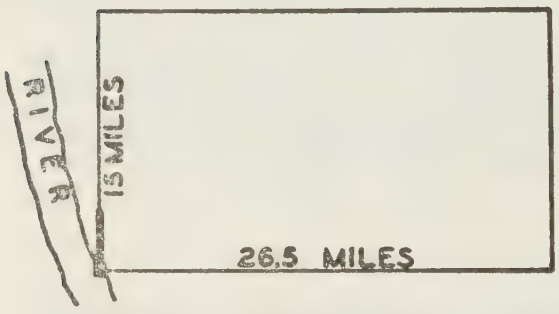
EXAMPLES OF STAKING



EXPLANATORY NOTE:

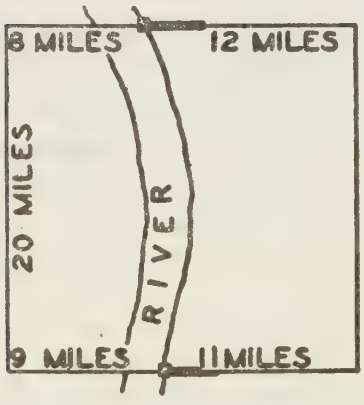
CORNER POSTS ARE INDICATED C1 C2 C3 C4
SIDE POSTS " " S1 S2 S3 S4

SHORT HEAVY LINES SHOWN EXTENDING FROM POSTS REPRESENT REFERENCE LINES



15N
C3
3.15PM
4 FEB 44
A.B. DOE
26·5E

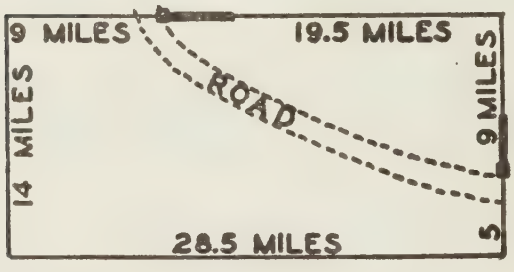
(A)



8W 12E
S4
3.15 PM
4 FEB 44
A.B. DOE

(B)

S2
3.15 PM
4 FEB 44
A.B. DOE
9W 11E



9W 19·5E
S4
3.15 PM
4 FEB 44
A.B. DOE

(C)

S1 9N
3.15 PM
4 FEB 44
A.B. DOE 5S

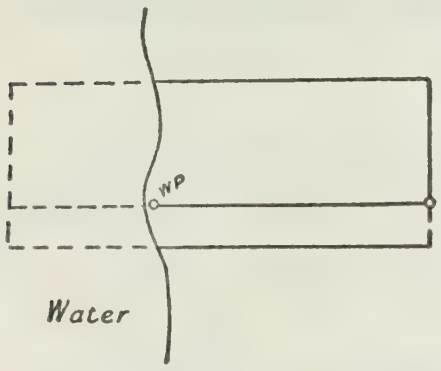


20E
20S
C4
3.15 PM
4 FEB 44
JOHN DOE

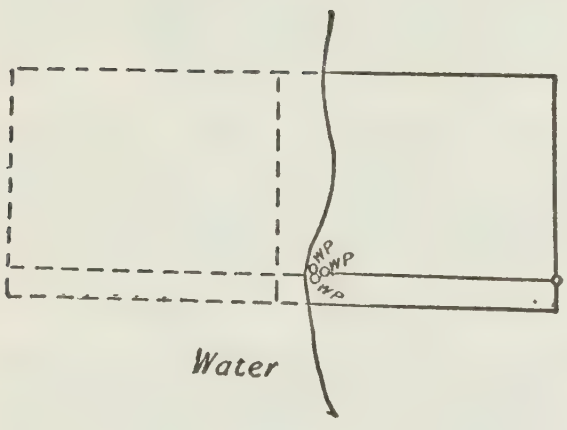
(D)

Explanatory Examples

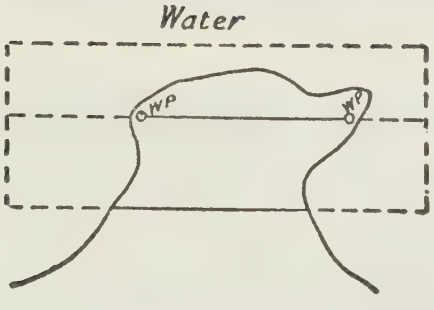
APPENDIX B



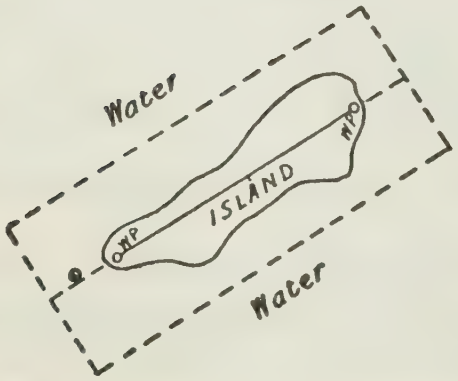
A witness post for an inaccessible extremity of a location line is placed at a suitable point as near as possible to the point which it is intended to witness.



Witness posts for both extremities of a location line for a totally submerged location are placed alongside and on the water side of the witness post for the adjoining marginal location.



Witness posts for inaccessible extremities of a location line for a marginal location are placed at suitable points as near as possible to the respective points to be witnessed.



When the location is situated on an island containing during periods of high water not more than the prescribed minimum area of 1280 acres, its least dimension may be in any direction regardless of the general direction of the shore line.

Dominion Lands Act—*continued*

11. The Northwest Territories Placer Mining Regulations

P.C. 2323

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to order as follows:

1. The Regulations governing Placer Mining in the Northwest Territories of Canada, made by Order in Council P.C. 5268 of 23rd December, 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations governing Placer Mining in the Northwest Territories of Canada" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations Governing Placer Mining in the Northwest Territories of Canada

INTERPRETATION

1. These regulations may be cited as *The Northwest Territories Placer Mining Regulations.*

2. In these regulations, unless the context otherwise requires:

(*a*) "base line" of a creek or river means a traverse line following the general direction of the centre bottom lands of the valley of the creek or river, surveyed and established under the direction and with the approval of the Director;

(*b*) "claim" means any parcel of land located or granted for placer mining under these regulations;

(*c*) "creek" means and includes all natural watercourses, whether usually containing water or not; and that portion of any stream below the point where the same enters the valley of the parent

Dominion Lands Act—*continued*

stream; but does not include streams which may be considered rivers under the provisions of the dredging regulations, that is, streams having an average width of one hundred and fifty feet or more;

(*d*) "Department" means the Department of Mines and Resources;

(*e*) "Director" means Director of Lands and Development Services Branch;

(*f*) "ditch" includes flume, pipe, race or other artificial means of conducting water by its own weight, to be used for mining purposes;

(*g*) "legal post" means a stake having a diameter throughout of not less than five inches, standing not less than four feet above the ground and flatted on two sides for at least one foot from the top, each of the sides so flatted measuring at least four inches across the face, and includes also any stump or tree cut off and flatted or faced to the aforesaid height and size;

(*h*) "mine" means any natural stratum or bed of earth, soil, gravel or cement, mined for gold or other precious minerals or stones;

(*i*) "mining" or "placer mining" includes every mode and method of working whatsoever whereby earth, soil, gravel or cement may be removed, washed, sifted or refined or otherwise dealt with, for the purpose of obtaining gold or such other minerals or stones, but does not include the working of rock in place;

(*j*) "Mining Recorder" means the Agent of Dominion Lands for a district, or other officer appointed by the government for the particular purpose referred to;

(*k*) "mining property" includes besides claims, all other things belonging thereto or used in the working thereof for mining purposes;

(*l*) "Minister" means the Minister of Mines and Resources of Canada;

(*m*) "river" means a stream of water having an average general width of at least one hundred feet at the low water stage thereof.

3. These regulations are subject to such other provisions or regulations as may be made by or under the Dominion Lands Act or under any other Act which appear to be necessary or expedient in the public interest governing the development and operation of any mineral claim or mine acquired under these regulations in which minerals containing radio-active elements occur, and also to such regulations as may be made governing the production, conservation and control of such minerals.

4. Nothing herein contained shall be construed to limit the right of the proper authorities, from time to time, to lay out public roads across, through or along any claims without compensation.

Mining Officials

5. Every mining recorder shall keep the following books to be used for placer mining entries:—

(*a*) Record of applications;

(*b*) Record of refused applications;

(*c*) Record book;

(*d*) Record of documents received

Dominion Lands Act—*continued*

6. Every entry made in any of the mining recorder's books shall show the date upon which such entry is made.

7. All books of record and documents filed shall, during office hours be open to public inspection upon payment of a fee of ten cents in connection with each claim searched.

8. Every copy of, or extract from, any entry in any of the said books, or of any document filed in the mining recorder's office, certified by the mining recorder to be a true copy or extract, shall be received in any court as evidence of the matters therein contained.

9. Before issuing any grant, or making any entry in any book of record, or filing any document, or making any copy or extract therefrom, the mining recorder shall collect the fees payable in respect thereof, as set out in Schedule D to these regulations.

10. The mining recorder shall receive all deposits of money directed to be made with him.

11. A statement of the grants issued and fees collected shall be rendered by the mining recorder at least every month, and such statement shall be accompanied by the amount collected, or, if the money has been deposited to the credit of the Receiver General, by the deposit receipts.

12. The mining recorder may summarily order any mining works to be so carried on as not to interfere with or endanger the safety of the public or any employee of such mining works, or any public work or highway, or any mining property, mineral claim, drain or flume; and any abandoned works may, by his order, be either filled up or guarded to his satisfaction. This provision, however, is not intended in any way to limit or interfere with the authority of the Commissioner in Council of the Northwest Territories to regulate the working of mines within the Northwest Territories.

RIGHT TO ACQUIRE CLAIMS

13. Any person eighteen years of age, and over, may enter for mining purposes, locate, prospect and mine for minerals upon any lands the right to which entry, prospecting and mining is vested in or reserved to the Crown, except lands within any local administrative district or settlement, or lands occupied by a building, or within the curtilage of a dwelling house, or lands lawfully occupied for placer mining purposes, or which form part of an Indian or other reservation or National Park.

14. No person shall enter for mining purposes, or shall mine upon lands owned or lawfully occupied by another until he has given adequate security to the satisfaction of the mining recorder, for any loss or damage which may be thereby caused, and persons so entering or mining upon any such lands shall make full compensation to the owner or occupant of such lands for any loss or damage so caused, such compensation, in case of dispute, to be determined by a court having jurisdiction in mining disputes.

SIZE, FORM AND OTHER PARTICULARS OF CLAIMS

15. Claims shall be designated creek claims, river claims and inland claims, that is claims situated elsewhere than on a creek or river.

Dominion Lands Act—*continued*

16. (1) A creek claim shall not exceed 500 feet in length, measured along the base line of the creek, established or to be established by a government survey.

(2) Every creek claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim. In the event of the base line not being established, the claim may be staked along the general direction of the valley of the creek, but in such case, when the base line is established, the boundaries thereby defined shall be conformed to.

17. The rear boundaries of the claim shall be parallel to the base line and shall be defined by measuring 1,000 feet on each side of such base line, so that the claim shall include the bed of the creek and a tract extending for 1,000 feet on each side of the base line thereof.

18. The official survey which establishes the base line of a creek shall, at the same time, establish the side lines of claims located on the creek, and shall be a final determination of the location of such base line and side lines.

19. A river claim shall be situated on one side of the river only, and shall not exceed 1,000 feet in length measured in the general direction of the river. The rear boundary of the claim, which runs in the general direction of the river, shall be defined by measuring 1,000 feet from low water mark of the river.

20. Every river claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground at each end of the claim on the margin of the river.

21. (1) Inland claims, that is claims situated elsewhere than on a creek or river, shall not exceed 1,000 feet in length by 1,000 feet.

(2) If such claims, however, front towards a creek or river they shall be staked as nearly as possible in the general direction of the valley of the creek or river towards which they front.

22. Inland claims shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground in a line parallel, and on the side nearest to the creek or river towards which they may front.

23. All claims shall be measured horizontally irrespective of inequalities on the surface of the ground.

24. The line between the two posts shall be well cut out so that one post may, if the nature of the surface will permit, be seen from the other.

25. One of the flatted sides of each post shall face the claim, and on each post shall be written on the side facing the claim a legible notice stating the name or number of the claim, or both if possible, its length in feet, the date when staked, and the full Christian and surname of the locator.

26. The posts shall be numbered 1 and 2 respectively and it shall not be lawful to move them except that No. 2 may be moved by a Dominion land surveyor, if the distance between the posts exceeds the length prescribed by these regulations, but not otherwise.

Dominion Lands Act—*continued*

27. Notwithstanding anything herein contained failure on the part of a locator of a claim to comply with any of the foregoing provisions, shall not be deemed to invalidate his location, if, upon the facts, it appears to the satisfaction of the mining recorder that there has been on the part of the locator a *bona fide* attempt to comply with the provisions of these regulations, and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

28. Any person or party of persons locating under these regulations the first creek claim on any stream or watercourse, or locating a creek claim on any stream upon which there is no recorded claim, shall be entitled to a claim or claims respectively of the following size, namely:—

One locator, one claim, fifteen hundred feet in length.

A party of two locators, two claims each one thousand two hundred and fifty feet in length.

A party of more than two locators, two claims, each one thousand feet in length, and for each member of the party beyond two, a claim of the ordinary size only.

(2) Any person or party of persons locating under these regulations the first river or inland claim on any river, hill, bench, bar or plain, or locating such a claim on any river, hill, bench, bar or plain upon which there is no recorded claim, shall be entitled to a claim or claims respectively of the following size, namely:

One locator, one claim, three thousand feet in length.

A party of two locators, two claims, each two thousand five hundred feet in length.

A party of more than two locators, two claims, each two thousand feet in length, and for each member of the party beyond two a claim of the ordinary size only.

29. The boundaries of any claim for which a grant has been issued may, by order of the mining recorder, upon application by the owner thereof, be enlarged to the size of the claim allowed by these regulations, if such enlargement will not interfere with any mining property owned by any other person.

Locating and Recording

30. The forms of application for grant, of grant and of renewal of grant of a claim shall be those contained respectively in Schedules A, B and C to these regulations.

31. (1) An application for a grant of a claim shall be filed with the mining recorder within ten days after the location thereof, if it is located within ten miles of the mining recorder's office.

(2) One extra day shall be allowed for every additional ten miles or fraction thereof.

32. No grant shall be issued by a mining recorder for a part of a claim which is already recorded.

Dominion Lands Act—*continued*

33. The location of a claim on Sunday or any public holiday shall not for that reason be invalid.

34. In the event of the claim being more than one hundred miles, by travelled route, from the mining recorder's office, and situated in an area where other claims are being located, the locators, not less than five (5) in number, are authorized to meet in such area and appoint one of their number an "emergency recorder". Where a claim is recorded with an emergency recorder as provided in the next succeeding section, the application for a record of such claim shall be made to the emergency recorder within seven days after the date of the staking of such claim.

35. (1) The emergency recorder shall at the earliest possible date after his appointment notify the mining recorder for the district in which the claims are, of such appointment, and he shall deliver personally or otherwise to such mining recorder the applications he may have received for mineral claims and the fees which he may have collected for recording the same. The mining recorder shall then grant to each person from whom the emergency recorder has accepted an application in the form set out in Schedule A and the fee, a grant for his claim in the form set out in Schedule B of these regulations, the grant to date from the day the emergency recorder accepted the application and fee. If the emergency recorder fails within four months to notify the mining recorder of his appointment and to deliver to him personally or otherwise, the applications received and the fees collected, the grants for such claims may be refused in the discretion of the Director. The emergency recorder shall note on each application the date upon which such application was received by him and the amount of fees paid in respect thereto.

(2) The emergency recorder who, while acting as such, has staked a claim in the vicinity of claims staked by the persons who appoint him an emergency recorder may record the mineral claim so staked by him at any time within the period in which he is required to deliver to the mining recorder his appointment and the applications received by him from such persons.

36. Any person upon satisfying a mining recorder that he is about to undertake a *bona fide* prospecting trip, may, upon payment of a fee of $2, receive written permission from the mining recorder, allowing him to record a claim within his mining district at any time within a period not exceeding six months from the date of his staking such claim.

37. No application shall be received for a claim which has not been staked by the applicant in person in the manner specified in these regulations, provided that if any person satisfies the mining recorder that he is about to undertake a *bona fide* prospecting trip, and files with the mining recorder a power of attorney, from any number of persons, not exceeding two, authorizing him to stake claims for them in consideration of their having enabled him to undertake the trip, he may stake one claim of the ordinary size in the name of each such person within the valley or basin of any creek or river upon which he makes a discovery.

Dominion Lands Act—*continued*

38. As soon as reasonably possible after the recording of the mineral claim, the holder of the claim shall affix or cause to be affixed securely to each of the corner posts of the said claim, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the mining recorder on the application of anyone misled by the lack of such tags. The mining recorder, on application shall supply such numbered tags free of charge.

39. (1) A person holding a grant of a claim, may, at any time abandon the claim, by giving notice in writing of his intention to do so to the mining recorder and surrendering his grant to the mining recorder, and thereafter he shall not personally or through any other person relocate the same claim.

(2) No claim shall be relocated within thirty days of its being so abandoned, nor until after notice of such abandonment has been posted up for at least a week in a conspicuous place on the claim and in the office of the mining recorder, nor until a statutory declaration has been filed with the mining recorder that the notices have been so posted.

40. Any person having recorded a claim shall not have the right to locate another claim within the valley or basin of the same creek or river within sixty days of the date on which he has located the said claim.

41. During the absence of the mining recorder from his office, an application for a claim may be received by any person whom he may appoint to perform his duties in his absence.

42. (1) No person shall move any legal post of a placer claim whether such claim is in good standing or otherwise.

(2) No person shall deface or alter in any manner the notices or markings on any legal post of a placer claim whether such claim is in good standing or otherwise.

TITLE

43. (1) Any person having duly located a claim may obtain a grant thereof for one year by paying to the mining recorder, in advance, the fees prescribed in Schedule D to these regulations.

(2) Such person shall, upon receiving such grant, be entitled to hold the claim for the period mentioned therein, with the absolute right of renewal from year to year, thereafter upon payment of the renewal fee prescribed in said schedule, provided such person during each year of the said period, and during each year for which such renewal is granted, does, or causes to be done, work on the claim to the value of one hundred dollars, in accordance with a schedule to be prepared by the mining recorder and approved by the Director and filed within one month after the date of the expiration of the said period or renewal thereof, with the mining recorder or his agent, an affidavit made by him or his agent, stating that such work has been done, and setting out a detailed statement thereof.

Dominion Lands Act—*continued*

(3) Any such work done outside of a claim with intent to work the claim shall be deemed, if it has direct relation to the claim, and if it is to the satisfaction of the mining recorder, to be work done on the claim for the purpose of this section.

44. (1) In the event of the work referred to in the last preceding section not being done as therein provided, the title of the owner to the claim shall thereupon become absolutely forfeited and the claim shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown.

(2) The Director may grant an extension of time for periods up to one year for the performance of the representation work prescribed by Section forty-three of these regulations provided (*a*) that reasons in justification of the extension of time satisfactory to the mining recorder are submitted by the recorded owner of a claim, (*b*) that a fee of $5.00 is tendered for each claim affected.

45. If the owner of a claim has done the required work thereon, but has failed to renew his grant thereof, the mining recorder may issue a grant to any person relocating such claim; provided that the owner may, within six months after the date at which his grant came due for renewal, apply for the cancellation of any grant so issued, and the latter grant shall be cancelled upon its being proved to the satisfaction of the mining recorder that the required work was done by said owner, and upon the said owner paying a renewal fee of fifteen dollars, if the application is made during the first three months, or a fee of thirty dollars, if the application is made during the second three months, and also paying the expenses to which the relocator may have been put in locating and applying for the said claim and obtaining a grant thereof, and compensation for any *bona fide* work that he may have performed thereon, less the reasonable value of any mineral which he may have taken out.

46. If two or more persons own a claim, each such person shall contribute, proportionately to his interest, to the work required to be done thereon, and in the event of its being proved to the mining recorder, after notice of hearing has been served as directed on all parties interested, that any co-owner has not done so, his interest may become vested by order of the mining recorder, in the other co-owner or co-owners in proportion to their respective interests.

47. (1) The owner of a claim may sell, mortgage or dispose of it, provided the instrument showing such disposal is deposited in duplicate with the mining recorder.

(2) The mining recorder shall, upon such deposit, register the instrument and return to the assignee one of the duplicates with a certificate endorsed thereon that the instrument has been recorded in his office, and retain the other.

48. No agreement affecting the title to any claim, or to any interest therein, shall be enforceable against any person without notice unless such agreement or some memorandum thereof is in writing, duly signed, and is recorded in the office of the mining recorder.

Dominion Lands Act—*continued*

49. Every person receiving a grant of a claim, or the permission to record a claim within the period not exceeding six months hereinbefore authorized may, during the continuance of his grant or permission, cut timber, not otherwise acquired for his own use and for any purpose incidental and necessary to the operation of his claim; and shall also have the exclusive right to enter upon his claim for the miner-like working thereof and the construction of a residence thereon, and shall be entitled to all the proceeds realized therefrom; provided that the mining recorder may grant to the holders of other claims such rights of entry thereon as may be absolutely necessary for the working of their claims, upon such terms as to him seem reasonable.

50. (1) No person shall suffer from any omission, delay or improper act on the part of any government official.

(2) The Minister may make such order as he may deem necessary to remedy any injury caused by any such omission, delay or improper act.

51. Whenever, through the acts or defaults of any person other than the recorded owner of a claim, or his agent by him duly authorized, the evidence of the location or record on the ground or the situation of the claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall nevertheless be given to the location as far as possible, and the mining recorder may make all necessary inquiries, directions and references in the premises for the purposes of carrying out the object of such location and vesting title in such owner.

GROUPING

52. (1) Upon application being made to him by the owner, or owners, of adjoining claims, which claims do not exceed ten in number, the mining recorder may grant permission for a term not exceeding five years to such owner or owners, to perform on any one or more of such claims all of the work required to entitle such owner or owners to a renewal grant for each of the same.

(2) Where such claims are recorded in the name of more than one owner, before said permission is granted, a partnership agreement creating a joint and several liability on the part of all of the owners of said claims for the joint working of the same shall be executed by each of the said owners and filed with the mining recorder.

(3) Upon application being made to him for such permission with respect to more than ten adjoining placer mining claims, or any number of placer mining claims, some of which do not adjoin, by the owner or owners thereof the same may be granted by the Director for the period aforesaid if, upon report by the mining inspector, it is shown to the satisfaction of the Director that said claims are to be operated by a system of mining which has a direct bearing upon all of the claims affected, and renders a considerable area necessary to successful operation by the system proposed.

(4) Where such claims are recorded in the names of more than one owner, before such permission is granted, a partnership agreement, as provided by subsection two hereof, shall be executed and filed with the mining recorder.

Dominion Lands Act—*continued*

(5) Such agreement shall state the address within the Northwest Territories at which the notice of cancellation, hereinafter referred to, may, be served upon the said partnership; service of such notice at which address shall be good and sufficient notice to all the parties to said partnership agreement and to all persons interested.

(6) Such permission, however, shall be subject to cancellation at any time by the Director after sixty days' notice to the persons interested, in case it appears from the report of the mining inspector or otherwise that the system of mining contemplated when such permission was granted is not being installed or operated with reasonable diligence.

53. (1) Grants of claims in respect of which such permission has been granted, and grants of any claims within a mining district, owned by one person, may be made renewable by the mining recorder on the same day.

(2) In granting the privilege allowed under this section the mining recorder shall charge the applicant one dollar and twenty-five cents for every three months or portion thereof for each claim during that portion of the year it is necessary to renew the same to make all the claims renewable on the same day, and the representation work required for the fractional portion of the year for which each claim is renewed shall be allowed at the rate of twenty-five dollars for each three months or fraction thereof, and said representation work shall be performed and recorded on or before the date from which all the claims are first made renewable.

WATER RIGHTS

54. Every person owning a claim shall be entitled to the seepage water on his claim and to the use of so much of the water naturally flowing through or past his claim, and not already lawfully appropriated, as, in the opinion of the mining recorder, is necessary for the due working thereof; and shall be entitled to drain his own claim free of charge.

55. A mining recorder may, upon application being made as hereinafter mentioned, grant to any person, who is the holder of a recorded interest in any mining ground, for any mining purpose on such ground, or for any purpose incidental thereto, for any term not exceeding five years, or in special cases for such longer term as may be determined, the right to divert or take, and use the water from any stream or lake, at any particular part thereof, and the right of way through and entry upon any mining ground for the purpose of constructing and repairing ditches and flumes to convey such water.

56. (1) Every applicant for a water grant shall post for twenty days previous to the making of the application a notice in writing of his intention to apply to the mining recorder for such grant—

(*a*) at the point of proposed diversion or taking;

(*b*) on the claim on which such water is intended to be used;

(*c*) on each claim or person's land to be crossed by the water in course of transit to the place of user; and

Dominion Lands Act—*continued*

(*d*) in the office of the mining recorder;

and shall forward a copy of such notice to the mining recorder.

(2) Such notice shall state—

(*a*) the name of the applicant;

(*b*) the name, or, if unnamed, a sufficient description of the stream, lake or other source from which water is intended to be diverted or taken;

(*c*) the point of diversion or taking or intended ditchhead, and the point where the water is to be returned to the stream;

(*d*) the means by which it is intended to divert or take, or to store the water;

(*e*) the number of inches of water to be applied for;

(*f*) the purposes for which it is required, stated with reasonable particularity;

(*g*) the claim upon which the water is to be used; and

(*h*) the date of the posting of the notice, and the date on which application will be made to the mining recorder for the granting of the record.

57. On the day mentioned in the notice of application or at a subsequent day and time to be fixed by the mining recorder, as the case may be, application shall be made by or on behalf of the applicant, either by attendance in person or by agent, or in writing, for a grant in accordance with the terms of the notice.

58. The mining recorder shall, at such day and time, proceed to adjudicate upon the application, and may, upon proof to his satisfaction that the applicant is the holder of a recorded interest in the mining ground upon which the water is to be used; of the publication of notice in manner aforesaid; of the ability of the applicant to construct the necessary works; of the right of the applicant to apply for a record under the foregoing provisions of these regulations or any of them; and of the volume of unrecorded water available for diversion, having regard to existing rights and records whether held by land owners or mine owners, and to pending applications, issue to the applicant a grant, in the form in Schedule E to these regulations, of such amount of water and for such purposes as, in the discretion of the mining recorder, are reasonably required by the applicant for the purposes specified in his notice of application.

59. The mining recorder may adjourn such adjudication from time to time as circumstances render expedient, and may take evidence by statutory declaration or otherwise, and hear all parties whose rights are or may be affected by the application.

60. The holder of a water grant shall take all reasonable means for utilizing the water granted to him; and if he wilfully wastes any water or takes a quantity of water in excess of his actual requirements, or has worked out or abandoned the claim or claims with respect to which the water grant was issued, the mining recorder may cancel or reduce the grant, or impose such conditions as he thinks proper.

Dominion Lands Act—*continued*

61. Every grant of water on an occupied creek shall be subject to the rights of such claim owners as shall, at the time of such grant, be working on the stream above or below the ditchhead, and of any other persons lawfully using such water for any purpose whatsoever.

62. If, after a grant has been made, any person or persons locate and *bona fide* work any claim or claims below the ditchhead on the stream affected by such grant, they shall collectively be entitled to the continuous flow in the said stream of the water passing such claim or claims to the following extent: if three hundred inches or less are diverted, they shall be entitled to forty inches and no more; if over three hundred are diverted, they shall be entitled to sixty inches, and no more, except, in either case, upon paying to the owner of the ditch, and all other persons interested therein, compensation equal to the amount of damage sustained by the continuous flow of such extra quantity of water as is desired; and in computing such damage the loss sustained by the owners of such claims using water from the ditch and all other reasonable losses shall be considered.

63. In measuring water in any ditch or sluice, the following rules shall be observed:—

(*a*) The water taken into a ditch or sluice shall be measured at the ditch or sluicehead;

(*b*) No water shall be taken into a ditch or sluice except in a trough placed horizontally at the place at which the water enters it;

(*c*) One inch of water shall mean half the quantity that will pass through an orifice two inches high by one inch wide with a constant head of seven inches above the upper side of the orifice;

(*d*) A sluicehead shall consist of fifty such inches of water.

64. The owner of any ditch, water privilege or claim shall, at his own expense, construct, secure and maintain all culverts necessary for the passage of waste and superfluous water flowing through or over any such ditch, water privilege or claim.

65. The owner of any ditch or water privilege shall construct and secure the same in a proper and substantial manner, and maintain the same in good repair, to the satisfaction of the mining recorder, and so that no damage shall occur to any road or work in its vicinity from any part of the works of such ditch or water privilege.

66. The owner of any ditch or water privilege shall be liable for and shall make good in such manner as the mining recorder determines, all damages which may be occasioned by or through any part of the works of the said ditch, water privilege, or right, breaking or being imperfect.

67. Failure to so construct, secure and maintain in good repair, the ditch or water privilege, or to make good any damages which may result from breakage or imperfection as above set out, shall render the water grant subject to cancellation in the discretion of the Minister of Mines and Resources.

Dominion Lands Act—*continued*

68. Every grant of water obtained by the owner of a claim shall be deemed appurtenant to the claim in respect of which record is obtained; and all assignments, transfers or conveyances permitted by law of any claim, shall be construed to have conveyed and transferred, and to convey and transfer, any and all recorded water privileges appurtenant to the claim assigned, transferred or conveyed.

DRAINAGE

69. The mining recorder may grant permission to run a drain or tunnel for drainage purposes through any occupied or unoccupied lands whether mineral or not, and may give exclusive rights of way through and entry upon any mining ground for any term not exceeding five years, for the purpose of constructing and maintaining drains for the drainage thereof.

70. (1) The grantee shall, if requested so to do, before entering upon any of the lands or claims of others for such purpose, give to the owners thereof adequate security for any damage they may sustain by reason of the construction of such tunnel or drain; and payment shall be made by him from time to time before the work is completed, of the compensation to which such owners are entitled; such compensation, if not agreed upon, to be settled by the board of arbitration hereinafter referred to, and to be paid before such drain or tunnel is completed.

(2) The Board of arbitrators shall be appointed as follows:—One arbitrator to be appointed by each of such owners, and in the event of the total number of arbitrators so appointed being an even number, then an additional arbitrator to be selected and appointed by all such arbitrators appointed by the owners.

(3) In the event of the arbitrators appointed by the owners being an even number and being unable to agree upon the additional arbitrator, the mining recorder, upon being requested so to do by such arbitrators, or by any of the interested owners, shall appoint the additional arbitrator.

71. Such drain or tunnel, when constructed shall be deemed to be the property of the person by whom it has been constructed.

72. (1) Every application for a grant shall state the names of the applicants, the nature and extent of the proposed drain or drains, the amount of toll, if any, to be charged, and the privileges sought to be acquired, and shall, save where the drain is intended only for the drainage of the claim of the person constructing it, be accompanied by a deposit of twenty-five dollars, which shall be refunded if the application is refused, but not otherwise.

(2) Ten full days' notice shall be given of any such application to be made in June, July, August, September or October, and one month's notice of an application to be made in any other month, by affixing the notice to a post planted in some conspicuous part of the ground, and by affixing a copy thereof conspicuously upon the inner walls of the office of the mining recorder.

(3) Prior to such application, the ground included therein shall be marked out to the satisfaction of the mining recorder.

Dominion Lands Act—*continued*

(4) Any person may, within the times hereinbefore prescribed for the notice of such application, but not afterwards, protest before the mining recorder against such application being granted.

73. (1) The grant of the right of way to construct drains and tunnels shall be in the form F in the schedule hereto.

(2) The grant shall be registered by the grantee in the office of the mining recorder, to whom he shall at the time pay a fee of five dollars; or, if the grant gives power to collect tolls, a fee of forty dollars.

(3) An annual rent of ten dollars shall be paid, in advance, to the mining recorder by the grantee, for each quarter of a mile of right of way legally held by him, save where the drain is for the purpose of draining only the claim of the person constructing it.

ADMINISTRATION

74. If the owner of a claim dies, or is adjudged to be insane, the provisions as to abandonment shall not apply, in the one case, either during his last illness or after his decease, or in the other case, either after he has been so adjudged, or, if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be abandoned was attributable to his insanity, during such period prior to his having been so adjudged as he shall be shown to have been insane.

75. The Director may either cause the mining property of any such deceased or insane person to be worked in the usual manner, or he may authorize the working of such property to be dispensed with for such periods as the necessity of the case may in his opinion demand, and he may also, if he sees fit, and if there is no other legal representative, cause the property to be taken possession of and administered subject to the provisions of any law or ordinance respecting the administration of the estates of deceased or insane persons in the province or territory in which such property may be situated.

76. All charges and expenses which may be incurred by any person acting under the instructions of the Director, in or about the working of such mining property, or in taking or keeping possession thereof, shall be and remain a first charge against the same, until duly paid.

77. Affidavits and declarations made under the provisions of these regulations may be made before a mining recorder, an emergency recorder or any person duly authorized to administer an oath.

78. (1) On all gold recovered from claims located under the provisions of these regulations and shipped from the Northwest Territories there shall be levied and collected a royalty at the rate of one and one-quarter per cent of its value, or at such rate as may be fixed by the Governor in Council from time to time.

(2) Gold upon which royalty shall be payable shall be gold dust as mined, or gold in the form of bars as presented for export.

(3) Such royalty shall be paid in currency to the Director or to some person authorized by him in that behalf.

Dominion Lands Act—*continued*

SCHEDULE A

APPLICATION FOR GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT

No. .....

I (or we) .....of ..... hereby apply, under the Northwest Territories Placer Mining Regulations, for a grant of a claim for placer mining as defined in the said regulations, in (here describe locality) and I (or we) make oath and say:—

1. That to the best of my (or our) knowledge and belief the land is such as can be located under Section 11 of the said regulations.

2. That I (or we) did on the ..... day of ..... 19...., mark out on the ground, in accordance with every particular with the provisions of the said regulations, the claim for which I (or we) make this application, and in so doing I (or we) did not encroach on any other claim or mining location previously laid out by any other person.

3. That the length of the said claim, as nearly as I (or we) could measure is..... feet, and that the description of this date hereto attached, signed by me (or us) sets forth in detail, to the best of my (or our) knowledge and ability, its position.

4. That I (or we) staked out the claim by planting two legal posts numbered 1 and 2, respectively, and that No. 1 is ..... discovery.

5. That I (or we) make this application in good faith to acquire the claim for the sole purpose of mining to be prosecuted by myself (or us) or by myself and associates or by my (or our) assigns.

Sworn before me at.....
in the ..... this .....
day of ..... 19.....

.....
A Commissioner for taking Affidavits

SCHEDULE B

GRANT FOR PLACER MINING

DEPARTMENT OF MINES AND RESOURCES

No. .....

Agency, ... 19....

In consideration of the payment of ..... dollars, being the fee prescribed by Schedule D to the Northwest Territories Placer Mining Regulations, by ..... of ..... accompanying his (or their) application No. ..... dated ..... 19 .... for a mining claim in (here insert description of locality).

The Minister of Mines and Resources hereby grants to the said ..... for a term of ..... year.. from the date hereof, the exclusive right of entry upon the claim (here describe in detail the claim granted) for the miner-like working thereof, and the construction of a residence thereon, and the exclusive right to all the proceeds realized therefrom.

This grant does not convey to the said ..... any right of ownership in the soil covered by the said claim, and the said grant shall lapse and be forfeited unless the provisions of Section 43 of the Northwest Territories Placer Mining Regulations are strictly complied with.

The rights hereby granted are those laid down in the said regulations and no more, and subject to all the provisions of the said regulations, whether they are expressed herein or not.

.....
Mining Recorder.

Dominion Lands Act—*continued*

SCHEDULE C

APPLICATION FOR RENEWAL OF GRANT FOR PLACER MINING AND AFFIDAVIT OF APPLICANT

No. .....

I (or we) ..... of ..... agent for ..... of ..... (if such be the fact) hereby apply under the Northwest Territories Placer Mining Regulations for a renewal of a grant to the placer mining claim ..... in the ..... mining district, which said grant is number ..... and was issued to ..... on the ..... day of ..... 19 .... and I make oath and say:—

1. That I am (or we are) the agent of ..... (if deponent is an agent of the owner) the owner (or owners) of placer mining claim ..... in the ..... mining district, and hold (or that he holds) a grant for the said claim dated the ..... day of ..... 19.....

2. That work has been done on the said claim to the value of at least one hundred dollars, in accordance with the schedule of representation work prepared by the mining recorder, between the ..... day of ....., 19.... and the ..... day of ....., 19....

The following is a detailed statement of such work:—

.....

.....

.....

Sworn before me at.....
in the ..... this .....
day of ..... 19....

.....
A Commissioner for taking Affidavits

SCHEDULE D

SCALE OF PRICES TO BE CHARGED

For grant of a claim for one year	$10.00
For renewal of grant of a claim	10.00
Recording an abandonment	2.00
Registration of any document	3.00
If it affects more than one claim, for each additional claim	0.50
For filing any document	1.00
Extension of time	5.00
Abstract of title—	
For first entry	2.50
Each additional entry	0.50
For copy of document—	
Up to 200 words	1.00
For each additional 100 words	0.50
For grant of water—	
Of 50 inches or less	5.00
From 50 to 200 inches	10.00
From 200 to 1,000 inches	20.00
For each additional 1,000 inches or fraction thereof	20.00

Dominion Lands Act—*continued*

SCHEDULE E

GRANT OF RIGHT TO DIVERT WATER AND CONSTRUCT DITCHES

No. .....

Agency, ...19.....

In consideration of the sum of.....dollars paid on the date application is made for this grant, the Minister of Mines and Resources, in accordance with the Northwest Territories Placer Mining Regulations, hereby grants to..... for the term of ..... years from the date hereof, the right to divert, take and use the water from.....to the extent of.....inches, and no more, to be distributed as follows .....and the right of way through and entry upon the following mining grounds:..... for the purpose of constructing ditches and flumes to convey such water, provided that at least the sum of.....dollars shall be expended on the said ditches and flumes within one year from the date hereof, and provided that such ditches and flumes are constructed and in working order within.....from the date hereof.

Provided also that this grant be deemed to be appurtenant to placer claim No. ..... and shall cease and determine whenever the said claim shall have been worked out or abandoned, or the occasion for the use of such water upon the said claim shall have permanently ceased.

Provided that this grant is subject to all the provisions of the said regulations in that behalf whether the same are expressed herein or not. It is expressly a condition of this grant that the same is issued subject to all rights subsisting at this date to the water in respect to which this grant is issued. Water to be flumed and tailings to be handled to the satisfaction of the mining recorder.

.....

Mining Recorder.

SCHEDULE F

TUNNEL OR DRAIN LICENCE

No. .....

To all whom it may concern:

Take notice that .....the owner of placer claim ..... in ..... mining district, having given security to the amount of.....for any damage he may do, has this day obtained a licence from me to run a tunnel (or drain) from ..... to his said claim.

The said licence is granted on these express conditions:—

(Set out conditions, if any).

Dated at ..... the ..... day of ....., 19.....

.....

Mining Recorder.

Dominion Lands Act—*continued*

12. The Quarrying Regulations

P.C. 2324

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, Chapter 113, is pleased to order as follows:

1. The Regulations for the Leasing and Administration of Lands, the property of the Crown, containing Limestone, Granite, Slate, Marble, Gypsum, Marl, Gravel, Sand, Clay, Volcanic Ash, or any Building Stone, in the Northwest Territories, made by Order in Council P.C. 4685 of 19th November, 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations for the Leasing and Administration of Lands, the property of the Crown, containing, Limestone, Granite, Slate, Marble, Gypsum, Marl, Gravel, Sand, Clay, Volcanic Ash, or any Building Stone, in the Northwest Territories" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Leasing and Administration of Lands, the Property of the Crown, Containing Limestone, Granite, Slate, Marble, Gypsum, Marl, Gravel, Sand, Clay, Volcanic Ash, or any Building Stone, in the Northwest Territories

1. These Regulations may be sited as *The Quarrying Regulations.*

2. In these Regulations:

(*a*) "Department" means the Department of Mines and Resources.

(*b*) "Locator" means the person who locates or stakes a quarrying location in the manner prescribed in these regulations.

(*c*) "Minister" means the Minister of Mines and Resources.

(*d*) "Quarrying Location" means a tract of Dominion land containing limestone, granite, slate, marble, gypsum, marl, gravel, sand, clay, volcanic ash, or any building stone.

(*e*) "Year" means a period of twelve calendar months.

Dominion Lands Act—*continued*

3. Dominion lands containing limestone, granite, slate, marble, gypsum, marl, gravel, sand, clay, volcanic ash, or any building stone, in the Northwest Territories, may be leased to any person by the Minister at an annual rental of one dollar ($1.00) an acre payable yearly in advance, for the purpose of quarrying out and removing therefrom stone or other material mentioned herein:

Provided that no lease for a quarrying location shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals, within or under the land covered by the lease, or any exclusive right or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream or other body of water within or bordering on or passing through the land covered by the lease:

And provided further that these regulations shall not apply to School Lands, or to any lands comprised within a National Park of Canada, or land reserved by Parliament or by Order of the Governor in Council, or Minister.

4. The term of the lease shall be twenty-one years renewable for a further period of twenty-one years, provided the lessee furnishes evidence, satisfactory to the Minister, to show that during the term of the lease he has complied fully with the conditions of such lease, and with the provisions of the regulations regarding the disposal and operating of quarrying locations which may have been made from time to time by the Governor in Council.

5. (1) Except as provided in this section no person shall be allowed to locate more than one quarrying location:

Provided that a person who has been granted a lease for a location, and who subsequently abandons or assigns the same, may after the expiration of twelve months from the date of the said lease, be permitted to make another location:

Provided, further, however, that such right of relocation shall not be granted unless all payments on account of rent, or other liability to the Department, due by such person, have been fully made, up to the date of registration by the Department of the assignment of his right to such lease, or up to the date upon which the notice of his abandonment of the same was received by the Department.

(2) More than one location may also be acquired under the provisions of these regulations by any Local Administrative District requiring the material described in the application for the construction or maintenance of works or improvements in such district, and personal application for such locations may be made on behalf of the Local Administrative District by any of its responsible officers; provided that a Local Administrative District, acquiring by application under these regulations more than one lease, shall not be at liberty to sell or otherwise dispose of any of the material taken out under the authority of such leases, and it will be necessary to furnish the department with a statement, made under affidavit, on the 1st of November in each year, showing the quantities of material taken out during the year, the lands from which such material has been taken, and a declaration to the effect that no portion of the material so taken out was sold, or otherwise disposed of. Failure to comply with this provision of the regulations will render the leases subject to cancellation in the discretion of the Minister.

Dominion Lands Act—*continued*

6. Application for a quarrying location shall be filed by the locator in person with the Agent of Dominion Lands for the district in which the location is situated, within thirty days from the date upon which the location applied for was staked in accordance with section eight of these regulations. If, however, the location is situated more than one hundred miles by travelled route from the office of the Agent of Dominion Lands, the locator shall be allowed one additional day for each ten miles, or fraction thereof, in excess of one hundred miles. If the application is not filed within the time prescribed, it shall not be considered.

7. (1) Application for a quarrying location shall be in duplicate and shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a plan in duplicate showing the postion of such location in its relation to some prominent topographical feature or other known point. The plan shall contain sufficient data to admit of the position of the location applied for being definitely shown in the records of the Department. The maximum area of the location shall be forty acres and it shall not exceed one-half mile in its greatest dimensions, nor shall the length exceed twice the breadth. The location shall be rectangular in form except where a boundary of a previously located tract is adopted as common to both locations.

(2) The application shall be accompanied by evidence, supported by affidavit of the locator, to show that the following requirements have been fully complied with:—

(*a*) That the location contains, in merchantable quantities, material of the class applied for by the locator.

(*b*) That the location has been defined on the ground by the locator in person by planting two wooden posts, at least four inches square and standing not less than four feet above the ground, such posts being numbered "1" and "2" respectively. The distance between post No. "1" and post No. "2" shall not exceed 2,640 feet, and upon each post shall be inscribed the name of the locator, the class of material which the land contains, and the date of the location. Upon post No. "1" there shall be written in addition to the foregoing, the words "Initial Post", the approximate compass bearing of post No. "2" and a statement of the number of feet lying to the right, and to the left of the line between post No. "1" and post No. "2". Thus (initial post, direction of post No. "2" is. . . . . feet lie to the right and. . . . feet to the left of the line between post No. "1" and post No. "2").

When the tract which an applicant desires to lease has been located he shall immediately mark the line between post No. 1 and post No. 2, so that it can be distinctly seen, in a timbered locality by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts of the above dimensions or erect mounds of earth or rock not less than two feet high and two feet in diameter at the base in such a manner that the line may be distinctly seen.

(*c*) All the particulars required to be inscribed on posts No. 1 and No. 2 shall be set out in the application.

(*d*) The locator shall post a written or printed notice on a conspicuous part of the location applied for, setting out his intention to apply for a lease of the quarrying rights under the said location, within the time prescribed in these regulations.

Dominion Lands Act—*continued*

8. Where two or more persons lay claim to the same location, or to portions of the same locations, the right to acquire a lease shall be in him who can prove to the satisfaction of the Agent of Dominion lands that he was the first to take possession of the tract in dispute by demarcation in the manner prescribed in these regulations, and that he made application for a lease thereof within the specified time.

9. The lessee shall commence active operations on his leasehold within one year from the date upon which he may be notified by the Minister to do so, and shall quarry out or remove from such location the quantity of stone or other material covered by the lease, as the case may be, specified in the said notification. Such notification shall not be given until the expiration of at least one year from the date of the lease, and shall set out the quantity of stone or other material which the lessee is required to quarry out from such location, which quantity may be increased from time to time, upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity of stone or material required to be taken out exceed five cubic yards per annum for each acre leased. In case operations are not commenced within the time specified in the notice, or if the required quantity of material is not quarried out during each year, the lease may be cancelled by the Minister.

10. The lessee shall not assign, transfer or sublet the rights described in his lease, or any part thereof, without the consent in writing of the Minister being first had and obtained.

11. The boundaries beneath the surface of quarrying locations shall be the vertical planes or lines in which their surface boundaries lie.

12. The lease shall be in such form as may be determined by the Minister, in accordance with the provisions of these regulations.

13. A fee of five dollars shall accompany each application for a lease, which will be refunded if the rights applied for are not available, but not otherwise.

14. The locator shall be given a period of thiry days from the date of the receipt of his application within which to pay to the Agent of Dominion lands the full amount of the rental for the first year of the term of the lease, at the rate of one dollar ($1) per acre, and upon the receipt of such rental, if the application is granted, the lease shall be issued and shall bear date the day upon which it is so issued, or the date of the acceptance of the application, whichever may be the earlier. If the rental is not paid within the time specified, the application shall absolutely lapse, and the right applied for shall become available for other disposition.

15. If, during the term of the lease, the lessee shall fail to pay the rental in advance for each subsequent year, at the rate of one dollar ($1) an acre per annum, within thirty days after the date upon which the same became due, the lease shall be subject to cancellation in the discretion of the Minister and to the immediate forfeiture of all rights granted thereunder.

Dominion Lands Act—*continued*

16. A person operating a quarrying location shall furnish the Agent of Dominion lands for the district in which the location is situated, with sworn returns every six months, or at such times as the Minister may direct, accounting for the full quantity of merchantable stone or other material quarried out or removed from the location.

17. Every lessee of quarrying rights which are not being operated shall furnish the Agent of Dominion Lands with a sworn statement to that effect at least once in each year.

18. In case the surface rights of a quarrying location are covered by a timber licence, grazing or petroleum lease, mining claim or other form of terminable grant which does not contemplate the issue of patent, the lease shall not authorize entry thereon except the permission of the Minister is first had and obtained and such permission shall be given subject to such conditions for the protection of rights of such lessee or licensee as it may be considered necessary to impose.

19. (1) In case the mineral rights in any land comprised within a quarrying location are or have been disposed of by the Crown and the lessee of such mineral rights cannot make any arrangement with the lessee of the quarrying location, or his agent, or the occupant thereof, for entry upon the location, or for the acquisition of such portion of the surface rights as may be necessary for the efficient and economical operation of such mineral rights, he may apply to the Minister for permission to submit the matter in dispute to arbitration. Upon receiving such permission in writing it shall be lawful for the lessee of the mineral rights to give notice to the lessee of the quarrying location, or his agent, or the occupant, to appoint an arbitrator to act with another arbitrator named by the lessee of the mineral rights in order to determine what portion of the surface rights the latter may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the exact position thereof, and the amount of compensation to which the lessee of the quarrying location, owner or occupant shall be entitled.

(2) The notice mentioned in this section shall be according to a form to be obtained upon application to the Agent of Dominion Lands, for the district in which the lands in question lie, and shall when practicable, be personally served on such lessee of the quarrying location, or his agent, if known, or occupant, and after reasonable efforts have been made to effect personal service without success, then such notice shall be served, by leaving it at, or sending it by registered mail to the last known place of abode of the lessee of the quarrying location, agent or occupant, and by posting a copy in the office of the Agent of Dominion Lands for the district in which the land in question is situated. Such notice shall be served if the lessee of the quarrying location or his agent resides in the district in which the land is situated, ten days, if out of the district, and if in the province or territory, twenty days, and if out of the province or territory, thirty days, before the expiration of time limited in such notice. If, within thirty days from the date of the service of such notice, the lessee of the quarrying location, or his agent, or occupant, refuses or declines to appoint an arbitrator, or when, for any reason no arbitrator is so appointed in the time limited therefor in the notice provided for by this section, the agent of Dominion Lands for the district in which the lands in question lie, shall forthwith, on being satisfied by affidavit that such notice has come to the knowledge of such

Dominion Lands Act—*continued*

lessee of the quarrying location, his agent, or occupant, or that such lessee, agent, or occupant, wilfully evades the services of such notice, or cannot be found, and that reasonable efforts have been made to effect such service and that the notice was left at the last place of abode of such lessee, agent or occupant, appoint an arbitrator on his behalf.

20. In case the two arbitrators cannot agree upon the award to be made, they may, within a period of ten days from the date of the appointment of the second arbitrator select a third arbitrator, and when such two arbitrators cannot agree upon a third arbitrator, the Agent of Dominion Lands for the district in which the land in question is situated, shall forthwith select such third arbitrator.

21. All the arbitrators appointed under the authority of these regulations shall be sworn before a Justice of the Peace to the impartial discharge of the duties assigned to them, and after due consideration of the rights and needs of both lessees, they shall decide as to the particular portion of the surface rights which the lessee of the mineral rights may reasonably acquire for the efficient and economical operation of the rights and privileges granted him under his lease, the area thereof, and the amount of compensation therefor to which the lessee of the quarrying location or occupant shall be entitled.

22. In making such valuation, the arbitrators shall determine the value of the land irrespective of any enhancement thereof from the existence of minerals therein or thereunder.

23. The award of any two such arbitrators made in writing shall be final, and shall be filed with the Agent of Dominion Lands for the district in which the land is situated within twenty days from the date of the appointment of the last arbitrator. Upon the order of the Minister the award of the arbitrators shall be immediately carried into effect.

24. The arbitrators shall be entitled to be paid a per diem allowance of ten dollars ($10) together with their necessary travelling and living expenses while engaged in the arbitration, and the cost of such arbitration shall be borne by the lessee of the mineral rights.

25. The lessee of a clay location shall, within two years from the date of the lease, erect upon the lands described therein, or on lands acceptable to the Minister, a plant suitable for the manufacture of brick or other clay products, and he shall, within the same period, furnish evidence, supported by affidavit, showing the character and value of the plant installed and the date of its installation. If the required plant is not installed within the time specified, and if evidence of its installation is not furnished within the same time, the lease shall be subject to cancellation in the discretion of the Minister. Provided, however, that the Minister shall not require that the value of the plant so installed shall exceed the sum of $10,000.

26. The lessee of a clay location shall, during each year of the term of the lease after the second year, manufacture from his leasehold and produce ready for shipment not less than 100,000 bricks, or their equivalent in some other form of clay products, to the satisfaction of the Minister.

Dominion Lands Act—*continued*

If during any year, after the second year of the term of the lease, the lessee fails to manufacture the quantities specified, or fails to furnish satisfactory evidence of his having done so, the lease shall be subject to immediate cancellation in the discretion of the Minister.

27. The fees to be charged in connection with the administration of these regulations shall be as follows:

Application for lease	$5.00
Recording an Assignment	3.00
Renewal of lease	5.00
Rental per annum, per acre	1.00

13. The Northwest Territories Sand and Gravel Regulations

P.C. 2325

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1937, Chapter 113, is pleased to order as follows:

1. The Regulations governing the issue of Permits to remove Sand, Stone and Gravel, the property of the Crown, from the beds of rivers and lakes in the Northwest Territories, made by Order in Council P.C. 4376 of 31st October 1947, are hereby revoked as of the date upon which the Regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations governing the Issue of Permits to remove Sand, Stone and Gravel, the property of the Crown, from the beds of rivers and lakes in the Northwest Territories" are hereby made and established in substitution for the Regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations Governing the Issue of Permits to Remove Sand, Stone and Gravel, the Property of the Crown, from the Beds of Rivers and Lakes in the Northwest Territories

1. These Regulations may be cited as *The Northwest Territories Sand and Gravel Regulations.*

2. In these Regulations "Minister" means the Minister of Mines and Resources.

Dominion Lands Act—*continued*

3. The Agent of Dominion Lands for the district in which the rights applied for are situated may, upon application by any person, grant yearly permits to remove sand, stone and gravel, the property of the Crown, from the beds of rivers and lakes in the Northwest Territories.

4. All permits shall expire on the 30th day of November in each year.

5. Not more than one permit shall be issued to any person in one year, unless the rights already granted such person have been fully exhausted.

6. The permit shall grant permission to remove a certain specified number of cubic yards of sand, stone or gravel from a portion of the bed of the river or lake to be described in the permit, but shall not constitute any exclusive right to the portion of the river or the bed of the lake described in the permit, or to the quantity of material specified therein.

7. The right granted under the permit shall apply only to the bars in or the bed of the river or lake itself below the ordinary high water level, and shall not authorize the permittee to remove sand, stone or gravel from, or otherwise interfere with or affect in any way the security of the banks of the river or lake or of any structures erected in the said river or lake and the permit shall be subject to immediate cancellation in the discretion of the Minister in case it is shown that the operations of the permittee in the removal of the sand, stone or gravel are likely to affect the banks of the said river or lake, or to endanger in any way the security thereof.

8. The permittee shall cause no material damage or unnecessary disturbance to the bed or banks of the stream or lake affected by his permit, nor shall he interfere with the right of the public to use the river or lake for navigation or other purposes, or to interfere with the free navigation of the said river or lake by forming bars or banks in the channel or bed thereof.

9. The removal of the sand, stone or gravel authorized by the permit shall be under the direct supervision of an officer to be named by the Minister and to his entire satisfaction.

10. The permit shall be subject to immediate cancellation at any time without compensation to the permittee, for a breach of any of the above conditions, or in case it should be shown to the satisfaction of the Minister that the removal of the sand, stone or gravel covered by the permit is likely to cause damage or obstruction, or to otherwise prejudicially affect the interests of the Crown or others.

11. The permittee shall keep the Crown indemnified against all actions, claims and demands that may be lawfully brought by reason of anything done by the permittee in the exercise or purported exercise of the rights and liberties granted under the permit.

12. A fee of one dollar ($1.00) shall be charged for each permit, together with dues at the rate of one cent (1c.) per cubic yard for the quantity of material in excess of one thousand (1,000) cubic yards included in any one permit.

13. The permit to be issued under these Regulations shall be on such form as may be approved by the Minister.

Dominion Lands Act—*continued*

14. Yukon Territory Timber Regulations

P.C. 2326

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, Chapter 113, is pleased to order as follows:

1. The Regulations for the disposal of Timber in the Yukon Territory, made by Order in Council P.C. 624 of 17th February, 1948, are hereby revoked as of the date upon which the regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations for the disposal of Timber in the Yukon Territory" are hereby made and established in substitution for the regulations hereby revoked, to have force and effect after publication in the *Canada Gazette,* for four consecutive weeks, as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations for the Disposal of Timber in the Yukon Territory

SHORT TITLE

1. These regulations may be cited as the *"Yukon Territory Timber Regulations".*

INTERPRETATION

2. In these regulations, unless the context otherwise requires,

(*a*) "Department" means the Department of Mines and Resources.

(*b*) "Director" means the Director of the Lands and Development Services Branch, Department of Mines and Resources.

(*c*) "Dominion lands" or "lands" or "land" means lands of the Dominion of Canada in the Yukon Territory.

(*d*) "Forest Officer" means any person appointed by the Department with respect to the conservation and development of forest resources.

(*e*) "Legal Post" means a stake or post of any kind of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above

Dominion Lands Act—*continued*

ground. The post must be of such diameter that when squared or faced for eighteen inches from the top and, each face of the squared or faced portion shall not be less than four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width. Whether a post is planted or a stump of a tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground and not less than eighteen inches high, cone-shaped and well constructed.

(*f*) "Minister" means the Minister of Mines and Resources.

(*g*) "Territory" means the Yukon Territory.

(*h*) "Timber Agent" means the local officer of the Department of Mines and Resources appointed to collect dues on, and to perform such other duties as are assigned to him in respect to the timber on Dominion lands in the Yukon Territory.

(*i*) "Timber Inspector" means any Game Warden, Park Warden, Forest Officer, or other employee of the Department, detailed by the Department to make inspections in connection with these regulations.

3. (1) Timber Agents in the Territory are authorized to administer and enforce these regulations and may issue permits to cut timber upon available Dominion lands in the Territory in accordance with the provisions of these regulations.

(2) Employees of the Department and members of the Royal Canadian Mounted Police located in the Territory are authorized to act under the direction of the Timber Agent in administering and enforcing these regulations and are authorized to issue timber permits in accordance with the provisions of these regulations, except permits issued under the provisions of Section 20, hereof.

Applications and Permit Conditions

4. An application for a timber permit shall be made to the Timber Agent on a form to be furnished by the Department for the purpose.

5. Applications for the cutting of green timber may be refused if there is available a sufficient quantity of dry timber which in the discretion of the Timber Agent, is suitable for the applicant's requirements.

6. Except with the consent of the Director, permits shall not be issued to cut green timber on areas where it is deemed by a Forest Officer that proper forest management requires the prohibition of such cutting.

7. The Timber Agent may add special conditions to a permit to ensure that cutting operations are conducted in accordance with approved silvicultural methods and that logging roads are constructed with a minimum of damage to standing timber.

8. Only such material shall be cut as is authorized by the permit and cutting shall only be done on the lands described in the permit.

Dominion Lands Act—*continued*

9. No trees shall be cut higher than eighteen inches from the ground without special permission from the Timber Agent or a Timber Inspector and when conditions permit, he may direct that no trees shall be cut higher than twelve inches from the ground.

10. All merchantable portions shall be taken from the trees cut, to the satisfaction of the Timber Agent or a Timber Inspector and there shall be no unnecessary waste of timber.

11. No unnecessary damage shall be done to the young growth or to trees left standing.

12. All timber cut on Dominion lands, other than that cut for fuel purposes, shall be manufactured within the Dominion of Canada.

13. (1) The Timber Agent or a Timber Inspector may give such special directions regarding the disposal of brush and any other matter which he believes to be necessary for the protection and proper management of the forest.

(2) The permittee shall carry out all such directions given to him by the Timber Agent or by a Timber Inspector.

14. Upon expiration of a permit, the permittee shall return the permit to the Timber Agent with the affidavit on the back thereof properly completed, or if the permit has been lost, he shall complete an affidavit in lieu thereof, on a form to be provided for the purpose by the Department and no further permit shall be issued to the permittee until such permit or affidavit in lieu, has been furnished.

15. A permit shall authorize the holder thereof, to cut, process, and remove the quantity of timber authorized thereby, but it shall not convey to the permittee the exclusive use of the land described therein.

16. No permit shall be transferred or assigned.

17. (1) In each and every permit issued under these regulations, there shall be implied the following conditions and stipulations:

(*a*) that dues on timber cut under any permit, which are not paid at the time they become due, shall together with interest, be a lien on any timber cut by the permittee or his agents on Dominion lands;

(*b*) that in case of non-payment of such dues and interest, the Timber Agent or a Timber Inspector acting on his behalf, may seize so much of the timber cut under a permit by the permittee or his agents, as will be, in his opinion, sufficient to secure the payment of such dues, interest and the expenses of seizure and sale, and may detain such timber as security for the payment thereof;

(*c*) that if payment is not made within three months after such seizure, the Timber Agent may, with the consent of the Director, sell such timber by public auction and after deducting the sum due to the Crown for dues, interest and expenses, he shall pay the balance, if any, to the person who had possession of such timber at the time;

(*d*) that if no bid equal to the amount due to the Crown is made at the public auction, such timber may be disposed of by private sale.

(2) Subsection (1) of this section shall not apply to permits issued free of dues.

Dominion Lands Act—*continued*

PERMITS—DUES PREPAID

18. The Timber Agent may issue annual permits to cut timber on available Dominion lands subject to the payment of a permit fee of $1.00, dues as set out in the Schedule hereto, and the performance of all conditions set out and implied in the permit and these regulations, to:

(*a*) any person living in the Territory to cut not more than a total of one hundred (100) cords of timber in a permit year, for fuel purposes for his own use, or for sale;

(*b*) a settler living in the Territory to cut timber required for his own personal use, but not for barter, sale or manufacture into lumber;

(*c*) owners of steamboats plying on waters within the boundaries of the Territory to cut timber for fuel purposes for consumption on their boats, provided however, that no timber for this purpose shall be cut within ten miles of any townsite.

PERMITS FREE OF DUES

19. The Timber Agent may grant annual permits to cut timber on available Dominion lands, free of dues, subject to the performance of the conditions stated in the permit and these regulations to:

(*a*) any educational, religious or charitable institution on payment of a permit fee of $1.00, to cut such quantities of timber as may be approved by the Director, for its own use, but not for barter or sale, provided that the institution is not the owner of any land containing timber suitable for its immediate needs and which in the discretion of the Timber Agent, is within a reasonable distance of the site on which it is to be used;

(*b*) any Department of the Government of Canada without payment of any fee, to cut such quantities of timber as may be approved by the Director, for its own use.

COMMERCIAL PERMITS

20. (1) The Timber Agent may issue a permit for commercial purposes to the owner of a sawmill to cut timber for the manufacture of lumber and other products, or to any person to cut timber in excess of one hundred (100) cords, subject to the approval of the Director and to the payment of a permit fee of $1.00, annual ground rental at the rate of $100.00 per square mile, dues as set out in the Schedule hereto, and the performance of all conditions set out and implied in the permit and these regulations.

(2) Application, in duplicate, for such a permit shall be made to the Timber Agent on a form to be furnished by the Department for the purpose. The application shall contain a description by metes and bounds of the location applied for, and shall be accompanied by a sketch, in duplicate, showing the position of such location in its relation to some prominent topographical feature, surveyed line or other known point. The sketch shall contain sufficient data to admit of the position of the location applied for, being definitely shown in the records of the Department. The location applied for, shall be as nearly as possible rectangular in form and shall be marked by four legal posts (or under special circumstances, posts satisfactory to a Timber Inspector) firmly fixed in the ground, one at each corner, but in case the tract applied for is not rectangular, one post shall be placed at each corner thereof. On each post shall be written a legible notice containing the full Christian and surname of the applicant, the date

Dominion Lands Act—*continued*

of staking, the nature of the application, the area applied for, and the distance in feet to the next post. Should the Timber Agent or a Timber Inspector so require, the lines joining the posts shall be blazed by the applicant.

(3) Upon receipt of an application under this section, for a permit, the Timber Agent shall refer the application to a Timber Inspector for investigation and report and thereafter, forward the application together with the Timber Inspector's report to the Department for consideration.

(4) The permit fee and annual ground rental shall be payable in advance at the time application is made, together with twenty per cent of the dues on the cut to be authorized in the permit.

21. The permittee shall commence cutting operations upon the land described in the permit, within six months of the date of the permit and if he fails to do so, the permit may be cancelled by the Director.

22. The permittee shall keep records of all timber cut, manufactured or sold, and such records together with other records which are necessary to determine the amount of timber cut, manufactured or sold, shall be open to inspection at any time, by the Timber Agent or any Timber Inspector.

23. (1) The permittee shall furnish to the Timber Agent quarterly, or at such other time as the Director may request, a return verified by affidavit showing all timber cut, manufactured, sold, and on hand.

(2) Dues as set out in the Schedule hereto, shall become payable in full, on the quantity of timber cut or manufactured at the time each return becomes due.

24. No trees of a diameter of less than nine inches at the stump measured eighteen inches from the ground shall be cut without the consent of the Timber Agent or a Timber Inspector.

25. In areas where, in the opinion of the Timber Agent or a Timber Inspector, there is a market for fuelwood, the permittee shall make the tops of trees not utilized for other purposes, into fuelwood, and shall pay dues thereon at the rate set out in the Schedule hereto.

26. Where the permittee is a sawmill owner, he shall maintain his sawmill in such condition that the lumber sawn from the timber cut under the authority of his permit, is manufactured to a standard satisfactory to the Timber Agent or a Timber Inspector, and if he fails to do so after thirty days' notice in writing the Director may cancel the permit.

27. (1) When in the opinion of the Director, it is desirable in the public interest to dispose of rights to cut timber in an area by competition, the Timber Agent shall, on instructions from the Director, post notices in post-offices in the vicinity of such area and invite tenders.

(2) The Timber Agent may issue a permit to cut timber in such area to the person who offers and pays the highest cash bonus over and above the payments required to be made pursuant to section 20 of these regulations.

Dominion Lands Act—*continued*

EXPIRATION OF PERMITS

28. (1) Permits issued under these regulations except those issued under the provisions of section 20 shall expire on the 30th day of April following the date of issue, or upon completion of the cut authorized in the permit, whichever is the sooner date.

(2) Permits issued under the provisions of section 20 of these regulations, shall expire one year from the date of issue or upon completion of the cutting of the timber authorized by the permit, whichever is the sooner date. Renewal permits shall expire on the date to which the ground rental is paid or upon completion of the cutting of the timber authorized by the renewal permit, whichever is the sooner date.

LICENCE TIMBER BERTHS ALREADY ACQUIRED

29. (1) The holders of licences already acquired to cut timber on Timber Berths in the Territory shall pay a royalty of $2.00 per thousand feet B.M. upon the sales of the lumber manufactured from the timber cut on the berths and upon timber cut on such berths for other purposes, they shall pay dues at the following rates:

Cordwood	50c per cord
Ties	6c each

On all other products of the berth at the rate of 10 per cent on the sales.

(2) An annual fee of $5.00 shall be charged for each timber berth licence.

AUTHORITY TO CUT TIMBER WITHOUT A PERMIT

30. Indians, Eskimos and Half-breeds who are resident in the Territory shall not require permits to cut timber for their own use on available Dominion lands but such timber shall not be disposed of by barter or sale.

31. Travellers, trappers on trap lines, prospectors engaged in prospecting, or persons engaged in scientific pursuits of exploration, or persons engaged in such other pursuits as the Minister may from time to time include, shall not require permits to cut dry timber for their own immediate use, on available Dominion lands.

32. The holder of any mineral claim by entry or lease located on vacant Dominion lands under the Yukon Quartz Mining Act, shall be entitled to cut without permit and free of dues such of the timber on his claim or such portion thereof as may be necessary for the working of his claim, but not for barter or sale, provided that the rights to cut such timber have not already been granted and disposed of prior to the date of entry of the mineral claim. Subject to the provisions of sections 33 and 34 of these regulations, a mineral claim holder shall not however, remove timber from one claim for use on another without obtaining a timber permit and paying dues in accordance with these regulations.

33. The holder or holders of any group of mineral claims by entry or lease located on vacant Dominion lands, grouped together under the Yukon Quartz Mining Act, for the performance of representation work shall be entitled to cut without permit and free of dues such of the timber on that group of mineral claims or such part thereof as may be necessary

Dominion Lands Act—*continued*

for the working of that group but not for barter or sale, provided that the rights to cut such timber have not already been granted and disposed of prior to the date of entry of the mineral claims. The holder or holders of a group of mineral claims shall not, however, remove timber from one group of mineral claims for use on another group of mineral claims without obtaining a timber permit and paying dues in accordance with these regulations.

34. The holder of a placer claim acquired under the provisions of the Yukon Placer Mining Act may cut timber not otherwise acquired, for his own use and for any purpose incidental and necessary to the operation of his claim, but not for barter or sale.

35. Except as otherwise provided in these regulations, no person shall cut timber on Dominion lands without a permit.

MEASUREMENT OF TIMBER

36. (1) Measurement of timber shall be by mill tally or by such log scale as the Director may direct.

(2) Material sold by the cord shall be measured by stacked cords of 128 cubic feet.

RATES OF DUES

37. Dues to be charged for timber of various kinds and classes shall be as set out in the Schedule hereto.

FOREST WORKING CIRCLES

38. (1) The Minister may declare any area of available Dominion lands in the Territory a Forest Working Circle and direct that detailed plans for each such area based on sustained yield management, be prepared and made effective.

(2) The cut of timber on any working circle, in any year or period of years, shall be restricted in amount to the estimated growth for the year or period subject to such adjustments as a Forest Officer may find necessary to increase or decrease the total amount of growing stock in order to convert from an unregulated forest to a managed forest.

(3) The forest working plan shall make provision for the regeneration of the forest during or after cutting, either by natural or artificial means, and shall specify the silvicultural cutting method or methods and the conditions under which each shall apply; the length of the rotation age for each class of forest in the Working Circle; the location and estimated amounts of timber to be cut during the next ten years; and any other relevant information considered necessary for the proper management of the Working Circle.

(4) The working plan for each Forest Working Circle shall be revised every ten years.

TIMBER ON AREAS FLOODED FOR POWER PURPOSES

39. Dues shall be collected as provided for in the case of cordwood on all timber in areas flooded for power purposes, as if such timber were actually cut.

Dominion Lands Act—*continued*

NOTICES AND COMMUNICATIONS

40. Any notice or communication in connection with these regulations shall be valid if signed by the Director or the Timber Agent and shall be sufficiently served on the permittee if left addressed to him at his last known address or posted to him at his last known address. A notice sent by post, shall be deemed to be given at the time when in due course of post, it would be delivered at the address to which it is sent.

CANCELLATION OF PERMIT

41. The Director may cancel the permit of any person who fails to comply with any condition or stipulation of his permit or any provision of these regulations.

SCHEDULE OF DUES

Item No.		Fee or Dues
1.	Timber for Fuel Purposes (Cordwood)	50c. per cord
2.	*Pulpwood*	
	(*a*) Poplar	75c. per cord
	(*b*) Other kinds of timber	$1.00 per cord
3.	*Fence Rails*	
	(*a*) Poplar, not exceeding 5″ at butt end	2c. each
	(*b*) Other kinds of timber, not exceeding 5″ at butt end	3c. each
4.	*Fence Posts*	
	(*a*) Round, not exceeding 7′ long and 5″ at top end	2c. each
	(*b*) Split, not exceeding 7′ long and average of 5″ at top end	1½c. each
5.	*Fence Droppers* not exceeding 5′ in length and 3″ at butt end	½c. each
6.	*Roof Poles*	3c. each
7.	*Building Logs and Cribbing*	
	(*a*) Poplar	1c. per lin. ft.
	(*b*) Other kinds of timber, 9″ and over at butt end	2c. per lin. ft.
	(*c*) Other kinds of timber, less than 9″ at butt end	1c. per lin. ft.
8.	*Shingles*	50c. per thousand
9.	*Lath*	50c. per thousand
10.	*Railway Ties*	6c. each
11.	*Sawlogs*	
	(*a*) Poplar	$2.00 per M. ft. B.M.
	(*b*) Other kinds of timber	$3.00 per M. ft. B.M.
12.	*Slabs* for fuel and edgings (on sales)	40c. per cord
13.	*Piling*	
	(*a*) 9″ and over at butt end	3c. per lin. ft.
	(*b*) Less than 9″ at butt end	1½c. per lin. ft.
14.	*Timber for Mining Purposes Only*	
	(*a*) Under 5″ in diameter at butt end	½c. per lin. ft.
	(*b*) Mine cross-ties 5″ face and under	½c. per lin. ft.
15.	*Telegraph and Telephone Poles*	15% ad valorem at point of shipment
16.	*All other products of the forest not enumerated*	15% ad valorem at point of shipment

Dominion Lands Act—*continued*

15. Northwest Territories Hay and Grazing Regulations

P.C. 2327

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and in virtue of the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to order as follows:

1. The Regulations governing the issue of permits to cut hay and the leasing of Dominion lands for Grazing in the Northwest Territories, made by Order in Council P.C. 5385 of 31st December, 1947, are hereby revoked as of the date upon which the regulations hereinafter made and established become effective in accordance with the provisions of section 75 of the Dominion Lands Act; and

2. The attached "Regulations governing the issue of Permits to cut Hay and the Leasing of Dominion Lands for Grazing in the Northwest Territories" are hereby made and established in substitution for the regulations hereby revoked, to have force and effect after publication in the *Canada Gazette* for four consecutive weeks as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

Regulations Governing the Issue of Permits to Cut Hay and the Leasing of Dominion Lands for Grazing in the Northwest Territories

SHORT TITLE

1. These regulations may be cited as the "Northwest Territories Hay and Grazing Regulations".

INTERPRETATION

2. In these regulations, unless the context otherwise requires:

(*a*) "Agent" means any person employed in connection with the administration, management, leasing, sale or settlement of Dominion Lands. "Local Agent" means the agent so employed with respect to the lands in a defined district.

(*b*) "Department" means the Department of Mines and Resources.

(*c*) "Director" means the Director of the Lands and Development Services Branch, Department of Mines and Resources.

(*d*) "Dominion Lands" or "lands" or "land" means the lands of the Dominion of Canada in the Northwest Territories.

Dominion Lands Act—*continued*

(*e*) "Legal Post" means a stake or post of any kind of sound timber of sufficient length so that when firmly planted in the ground in an upright position, not less than four feet of such post shall be above ground. The post must be of such diameter that when squared or faced for eighteen inches from the top end, each face of the squared or faced portion shall not be less than four inches in width across the face for the full eighteen inches, or if a tree of suitable size is found in position, it may be made into a post by cutting the tree off not less than four feet from the ground, and squaring and facing the upper eighteen inches, each face of the portion so squared or faced to be not less than four inches in width. Whether a post is planted or a stump of a tree made into a post, a mound of stones or earth shall be erected around the base of the post, such mound of earth or stones to be not less than three feet in diameter on the ground and not less than eighteen inches high, coneshaped and well constructed.

(*f*) "Minister" means the Minister of Mines and Resources.

(*g*) "Timber Agent" means the local officer of the Department appointed to collect dues on, and to perform such other duties as are assigned to him in respect to the timber on Dominion Lands.

Permits to Cut Hay

3. The local Agent or any other officer authorized by the Minister may, subject to the provisions of these regulations:

(*a*) issue a permit to a settler who is the owner of stock to cut hay on vacant Dominion lands, for his own use but not for barter or sale;

(*b*) issue a permit to any person to cut hay on vacant Dominion lands for the purpose of sale.

4. No hay shall be cut on Dominion Lands prior to a date to be fixed each year by the local Agent.

5. (1) Applications from owners of stock to cut hay on vacant Dominion lands for their own use, may be received and permits issued on and after the first day of May in each year.

(2) Applications to cut hay for sale, shall not be entertained by the local Agent prior to the 10th day of May in any year.

6. (1) A permit to a settler who is the owner of stock to cut hay for his own use, may be issued upon payment in advance of a permit fee of $1.00 and, twenty-five cents per ton for each ton of hay the applicant desires to cut.

(2) A permit to any person to cut hay for sale, may be issued upon payment in advance of a permit fee of $1.00 and $1.00 per ton for each ton of hay the applicant desires to cut, but shall only be issued after the local Agent is satisfied that the needs of stockowners in the district have been met.

7. (1) Each permit shall describe the lands upon which the permittee may cut hay.

Dominion Lands Act—*continued*

(2) Hay when cut by a permittee or his servants or agents upon Dominion Lands specified in his permit and up to the amount of hay authorized therein, shall be the property of the permittee.

8. The holder of a hay permit who makes improvements on a hay meadow covered by his permit to the satisfaction of the local Agent, shall be given priority if he applies for a permit on such hay meadow from year to year, provided the land is available and he has complied with all the requirements of the regulations.

9. A Half-breed, Indian or Eskimo who is a resident of the Northwest Territories may upon application to the local Agent, be granted a free permit to cut hay for his own use, but in no case shall such person receive a permit for a greater amount of hay than five tons per head for the stock of which he is the sole owner.

10. (1) Upon expiration of his permit, the permittee shall return his permit to the local Agent with the affidavit on the back thereof properly completed, or if the permit has been lost, he shall complete an affidavit in the same form and forward it to the Agent.

(2) No permit shall be issued to an applicant, if he fails to comply with the provisions of the preceding sub-section.

11. No person shall cut hay on vacant Dominion Lands without a permit.

Grazing

12. The Minister may lease such Dominion Lands in the Northwest Territories for grazing purposes, as he may consider suitable for the purpose.

13. A lease for grazing purposes, shall be in the form prescribed by the Minister and may contain such terms not inconsistent with the Dominion Lands Act and these regulations as he may prescribe.

14. The maximum area which may be leased to a person under the provisions of these regulations shall be 6,400 acres and no person shall be permitted to acquire by lease or leases, more than that area.

15. The rent to be charged for a grazing lease shall be not less than two cents per acre per annum, and shall be payable yearly in advance provided that the rent payable in any lease shall not be less than $5.00 per annum.

16. A lease shall be for a term of not more than ten years, but the Minister may, upon the written request of a lessee made within one month prior to the expiration of the term of the lease, grant to him a renewal lease for a further term not exceeding ten years provided there shall not at the time of such request, be any breach or non-observance of any condition, proviso or stipulation of the lease then in force.

17. A lease for grazing purposes shall be subject to:

(*a*) a reservation to the Crown of all minerals which may be found to exist therein, upon or under such lands, together with full

Dominion Lands Act—*continued*

power to prospect and work the same, and for that purpose to enter upon, use and occupy the said land, or so much thereof and to such extent as may be necessary for the effective working of such minerals and access to the same;

(*b*) a reservation to the Crown of all timber which may be upon the lands and the Timber Agent may grant timber permits under the provisions of the regulations in that respect, to cut and remove timber which may be found within the limits of the leasehold, subject to such conditions for the protection of the interests of the lessee as the Timber Agent may deem proper;

(*c*) a reservation of the right to enter upon, work and remove any rock outcrop required for public purposes;

(*d*) a reservation of such right or rights of way and of entry as may be required under any regulation in force in connection with the construction, maintenance and use of works for the conveyance of water for use in mining operations;

(*e*) a reservation of the right to enter upon the land for the purpose of installing and maintaining any public utility, public service or electric transmission line, found to be necessary by the Minister.

18. It shall be lawful for the Director or any person thereunto authorized by him, at all reasonable times during the currency of a lease, to enter upon the land to examine the condition thereof.

19. If the land described in a lease is not used for grazing purposes, or if the rent or any part thereof shall be unpaid for ninety days after becoming payable (whether demanded or not), or if any covenant, proviso, stipulation or condition in the lease or these regulations is not performed or observed, the Minister may, by notice in writing, cancel the lease and thereupon all benefits, rights and privileges granted to the lessee shall absolutely cease and determine and be at an end without any suit or legal proceedings provided that nothing in this section shall prejudice the right of the Minister to collect all arrears of rent or any remedy he may have for the recovery of such arrears.

20. No acceptance of rent subsequent to any breach or default, other than non-payment of rent, nor any condoning, excusing or overlooking by the Minister on previous occasions of breaches or defaults similar to that for which a cancellation of a lease may be effected, shall be taken to operate as a waiver nor in any way to defect or affect the rights of the Minister under these regulations.

21. If a lease is granted through any error or through misrepresentation, the Minister may cancel the lease and refund any money paid by the applicant.

22. The Minister may at any time during the term of a lease, by giving six months' notice in writing to the lessee, withdraw any portion of the land from the operation of the lease or cancel the same and in either event, the lessee shall not be entitled to any damages or compensation on account of such withdrawal or termination other than a proportionate reduction or rebate of the annual rental.

Dominion Lands Act—*continued*

23. (1) If a lease is cancelled or expires or any portion of the land is withdrawn from the lease, the lessee shall, provided there are no arrears of rent or taxes, have the right to remove within three months, any improvements owned by him which may be on the leasehold at the time his lease is cancelled or expires, or a portion thereof is withdrawn from the lease.

(2) If the lessee does not remove his improvements before the land is again disposed of, the local Agent or other officer of the Department shall make an appraisal of the improvements which have been left on the land by the lessee and the Minister may direct the sale of same by auction or private sale.

(3) Out of any money realized by the sale, the Minister may, after deducting any expenses of sale and any arrears of rent and taxes, pay to the former lessee, the balance realized from the sale of the improvements.

24. (1) Any person who desires to lease Dominion Lands for grazing purposes, shall make application to the local Agent.

(2) If the lands are not surveyed, application shall be made not later than thirty days after the land has been staked with legal posts. The application shall be in duplicate and shall be accompanied by an application fee of $5.00 which will be returned to the applicant if the application is not granted, but not otherwise. The application shall contain a description by metes and bounds of the location applied for and shall be accompanied by a sketch in duplicate, showing the position of such location in its relation to some prominent topographical feature, surveyed line or other known point. The sketch shall contain sufficient data to admit of the position of the location applied for, being definitely shown in the records of the Department.

(3) The application shall show:

(*a*) if the lands or any part thereof have been improved or are occupied;

(*b*) the character of the improvements, if any;

(*c*) by whom the land is occupied and the purpose of the occupation.

(4) The location applied for shall not exceed four miles in its greatest dimension, nor shall the length of the location exceed three times the breadth thereof; except where a location is on a lake, river or stream, in which case the frontage (or breadth) on the stream shall not exceed one and one-half miles, nor shall the length (or depth) in this case be more than four times the breadth.

(5) The local Agent upon being satisfied that the land is available and suitable for grazing purposes and that the sketch and statements contained in the application are in order, shall forward the documents to the Department.

25. The lessee shall not, during the term of the lease, use or allow to be used any part of the lands and premises demised for any purpose other than grazing purposes.

26. The lessee shall not permit any livestock other than his own to graze on the area covered by his lease.

Dominion Lands Act—*continued*

27. (1) During each of the first three years of his lease, the lessee shall place on the land leased to him, not less than one horse, or one head of cattle or five sheep, over the age of one year, for every ninety acres leased to him.

(2) During each year after the first three years of his lease, the lessee shall have and maintain not less than one horse or one head of cattle or five sheep over the age of one year, for every thirty acres leased to him, provided however, that if upon inspection, it is found that the land described in the lease will support more livestock than the number specified the Minister may require the lessee to place and maintain additional livestock thereon.

28. The lessee shall, within one year from the date of the execution of the lease by the Department, furnish a statutory declaration showing that he is owner of and has the required number of stock on the leasehold, and thereafter, shall furnish a statutory declaration to the Department on the 1st day of July in each year, or at such other times as the Department may require, showing the number of livestock on the leasehold.

29. The lessee shall be entitled to the hay on the property comprised in his lease, but shall not sell or barter the same unless he has obtained a permit issued under the provisions of these regulations.

30. The lessee may cultivate any portion of his leasehold for the purpose of growing winter feed for his stock, but shall not have the right to dispose of any such feed by barter or sale.

31. (1) The lessee shall not assign or transfer the rights described in his lease or any portion thereof, without the permission of the Minister being first had and obtained. A lessee desiring to assign his lease shall pay all outstanding rental and furnish the Department with a properly executed unconditional assignment in duplicate, of the lease, a registration fee of $3.00 and evidence from the proper official of a local authority, if any, that all taxes on the lands covered by the assignment have been paid. In no case, however, shall a lessee be allowed to assign or transfer unless he has placed at least one-half the required number of stock on the leasehold, which stock shall be his own property.

(2) The lessee shall not sublet the rights described in his lease or any portion thereof.

32. Any notice affecting a lease shall be valid if signed by the Director or the local Agent and shall be sufficiently served on the lessee if left addressed to him at the demised premises or posted addressed to him at his last known address or left at the said address. A notice sent by post, shall be deemed to be given at the time when in due course of post, it would be delivered at the address to which it is sent.

Dominion Lands Act—*continued*

16. Boundaries of Mining, Land and Timber Districts, N.W.T.

P.C. 2385

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 12th day of May, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to revoke and doth hereby revoke Order in Council P.C. 4780 of 21st November, 1947, as of the date upon which the present Order becomes effective in accordance with the provisions of section 75 of the Dominion Lands Act, and is pleased to order and doth hereby order as follows:—

1. In the Northwest Territories there shall be

(*a*) Three Mining Districts to be called—
Yellowknife Mining District, Mackenzie Mining District, Arctic and Hudson Bay Mining District;

(*b*) Three Land Districts to be called—
Yellowknife Land District, Mackenzie Land District, Arctic and Hudson Bay Land District; and

(*c*) Three Timber Districts to be called—
Yellowknife Timber District, Mackenzie Timber District, Arctic and Hudson Bay Timber District.

2. Yellowknife Mining District, Yellowknife Land District and Yellowknife Timber District each shall comprise the area described in Schedule "A" hereto.

3. Mackenzie Mining District, Mackenzie Land District, and Mackenzie Timber District each shall comprise the area described in Schedule "B" hereto.

4. Arctic and Hudson Bay Mining District, Arctic and Hudson Bay Land District, and Arctic and Hudson Bay Timber District each shall comprise the area described in Schedule "C" hereto.

5. The Office of the Yellowknife Mining District, the Yellowknife Land District and Yellowknife Timber District shall be located at Yellowknife in the Northwest Territories.

6. The Office of the Mackenzie Mining District, the Mackenzie Land District, and the Mackenzie Timber District shall be located at Fort Smith in the Northwest Territories.

7. The Office of the Arctic and Hudson Bay Mining District, the Arctic and Hudson Bay Land District, and the Arctic and Hudson Bay Timber District shall be located at the City of Ottawa in the Province of Ontario.

This Order shall have force and effect after publication in the *Canada Gazette* as required by section 75 of the Dominion Lands Act.

N. A. ROBERTSON,
Clerk of the Privy Council.

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Dominion Lands Act—*continued*

SCHEDULE "A"

YELLOWKNIFE DISTRICT
YELLOWKNIFE LAND DISTRICT
YELLOWKNIFE TIMBER DISTRICT

Description

Commencing at the intersection of the 120th degree of west longitude with the north shore of Banks Island; thence in a southeasterly direction and following the sinuosities of the shore of the said island to Russell Point; thence southeasterly in a straight line to Peel Point on Victoria Island; thence following the north and easterly shores of Victoria Island to Pelly Point; thence easterly and in a straight line to Cape Adelaide Regina, on the west shore of Boothia Peninsula; thence in a southerly direction and following the sinuosities of the shore of the Arctic Ocean to the intersection of the said shore with the right bank of the Back River; thence upstream following the said right bank of the said river and connecting waterways to its intersection of the right bank of Buchanan River; thence upstream and following the said right bank of the said Buchanan River to the portage between the said Buchanan River and the Tibielik River; thence southeasterly and along the said portage to its intersection of the height of land between the waters of the Thelon and Back Rivers; thence southwesterly along the said height of land to its intersection of the 64th parallel of north latitude; thence west along the said 64th parallel of north latitude to its intersection of the east shore of Clinton-Colden Lake; thence southerly following the easterly shore of Clinton-Colden Lake, Ptarmigan Lake and Artillery Lake to its intersection of the 63rd parallel of north latitude; thence along the 63rd parallel of north latitude to its intersection of the 108th degree of west longitude; thence south along the 108th degree of west longitude to its intersection of the 62nd degree of north latitude; thence west and along the 62nd degree of north latitude to the south shore of the Great Slave Lake; thence southwesterly and following the sinuosities of the said shore of the Great Slave Lake to Grant Point; thence northwesterly in a straight line to the intersection of the southwesterly shore of the north arm of the Great Slave Lake with the 62nd degree of north latitude; thence west along the said 62nd degree of north latitude to its intersection of the 120th degree of west longitude; thence north to the point of commencement.

SCHEDULE "B"

MACKENZIE MINING DISTRICT
MACKENZIE LAND DISTRICT
MACKENZIE TIMBER DISTRICT

Description

Commencing at the intersection of the 120th degree of west longitude with the north shore of Banks Island; thence following the sinuosities of the north and westerly shores of the Banks Island to Cape Kellett; thence southerly and in a straight line to the intersection of the right bank of the Horton River with the main shore of the Arctic Ocean; thence westerly and following the sinuosities of the said main shore of the Arctic Ocean to the intersection by the said shore of the westerly boundary of the North-

Dominion Lands Act—*continued*

west Territories; thence southerly and southeasterly following the said westerly boundary to its intersection of the south boundary of the Northwest Territories (being the 60th parallel of north latitude): thence easterly and following the said 60th parallel to its intersection of the east boundary of Range 10 west of the 5th initial meridian of the Dominion Lands Survey System; thence north and along the said east boundary of Range 10 to its intersection of the 34th base line of the Dominion Lands Survey System, being the north boundary of Township 132; thence easterly and along the said 34th base line to its intersection of the centre of the main channel of the Nyarling River; thence downstream and following the centre of the main channel of the Nyarling River to its junction with the centre of the main channel of the Little Buffalo River; thence following upstream the centre of the main channel of the said Little Buffalo River to its intersection of the 60th parallel of north latitude; thence east and along the said 60th parallel to its intersection of the west bank of Selwin Lake; thence northerly and along the west bank of the said Selwin Lake to the northerly extremity of the said Selwin Lake; thence by a right line over the height of land to the southern extremity of Wholdaia Lake; thence northerly and along the west bank of the said Wholdaia Lake, the left bank of the Dubawnt River and connecting Waterways to a point where the south bank of Beverly Lake intersects the height of land between the Dubawnt and Thelon Rivers; thence southwesterly and following the height of land between the Dubawnt and Thelon Rivers to its intersection with the 63rd parallel of north latitude; thence due west following the said 63rd parallel of north latitude to its intersection of the 108th degree of west longitude; thence south along the 108th degree of west longitude to its intersection with the 62nd degree of north latitude; thence west and along the said 62nd degree of north latitude to the south shore of the Great Slave Lake; thence southwesterly and following the sinuosities of the said shore of the Great Slave Lake to Grant Point; thence northwesterly in a straight line to the intersection of the southwesterly shore of the north arm of the Great Slave Lake with the 62nd degree of north latitude; thence west along the said 62nd degree of north latitude to its intersection of the 120th degree of west longitude; thence north to the point of commencement.

SCHEDULE "C"

ARCTIC AND HUDSON BAY MINING DISTRICT
ARCTIC AND HUDSON BAY LAND DISTRICT
ARCTIC AND HUDSON BAY TIMBER DISTRICT

Description

All that part of the Northwest Territories which lies to the north of the Mackenzie and Yellowknife mining districts and to the east of Yellowknife mining district.

Dominion Lands Act—*continued*

17.—Disposal of Lots in Settlements of Aklavik, Hay River and Yellowknife in the Northwest Territories

P.C. 2745

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 2nd day of June, 1949.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of the Dominion Lands Act, Revised Statutes of Canada, 1927, chapter 113, is pleased to order as follows:

Orders in Council P.C. 1109 of 16th March, 1948, P.C. 1496 of 8th April 1948, and P.C. 4771 of 22nd October 1948, providing for the sale or lease of surveyed lots in Hay River Settlement and Aklavik Settlement, Northwest Territories, and for the leasing of surveyed lots in the Local Administrative District of Yellowknife, Northwest Territories, respectively, are hereby revoked and the following Order is hereby substituted in the place of the said Orders:

ORDER

1. Where an inspection and valuation of surveyed lots in Aklavik Settlement or the Local Administrative District of Hay River, in the Northwest Territories, have been made by a valuator appointed by the Minister of Mines and Resources, any surveyed lot valued at less than five thousand dollars ($5,000) may be sold for not less than its valuation on the following terms, namely, the purchase price in full at the time of the sale, or one-third of the purchase price to be paid in cash at the time of the sale and the balance in two equal semi-annual instalments with interest at the prescribed rate.

2. Where an inspection and valuation of surveyed lots in Aklavik Settlement or the Local Administrative District of Hay River, in the Northwest Territories, have been made by a valuator appointed by the Minister of Mines and Resources, any surveyed lot valued at less than five thousand dollars ($5,000) may be leased for a period of ten (10) years at an annual rental or fee of not less than six per cent (6%) of its appraised value, such rent to be paid annually in advance with a provision that the rate of rental may be adjusted at the end of each five year period.

3. Where an inspection and valuation of surveyed lots in the Local Administrative District of Yellowknife, in the Northwest Territories, has been made by a valuator appointed by the said Minister, any surveyed lot valued at less than five thousand Dollars ($5,000) may be leased for a term of twenty-one (21) years.

4. The annual rental or fee to be charged for any such lot in the Local Administrative District of Yellowknife shall not be less than six per cent (6%) of its appraised value and the said rental or fee shall be paid annually in advance.

Dominion Lands Act—*concluded*

5. The lease of any such lot in the Local Administrative District of Yellowknife shall contain a provision for renewal for a further like term and every such lease and every such renewal shall contain such other provisions as the Minister of Mines and Resources may prescribe.

N. A. ROBERTSON,
Clerk of the Privy Council.

DOMINION LANDS SURVEYS ACT. (R.S.C., 1927, c. 117)

Rules respecting examinations for Dominion Land Surveyors

(*Revised and consolidated as of December 31st, 1949, by the Board of Examiners for Dominion Land Surveyors pursuant to subsection three of section twelve of the Act.*)

(*Supplementary to provisions of Dominion Lands Surveys Act*)

Regular Annual Examinations

1. (*a*) The regular annual examination for admission as articled pupil, for Commission as Dominion Land Surveyor and for certificate as Dominion Topographical Surveyor is held at Ottawa and at such other centres as are deemed necessary. It begins on the Tuesday following the second Monday in February and continues day by day until completed.

Every person who desires to be examined by the Board shall notify the secretary in writing at least one month previous to the commencement of the examination, and shall, with such notice, transmit the fee hereinafter prescribed.

(*b*) Examination centres are selected on the basis of applications on hand one month before the commencement of the examinations.

Preliminary Examination

2. (*a*) The examination for admission as articled pupil is open to all and is known as the Preliminary Examination. The particulars are given in Schedule A.

Final Examination

(*b*) The examination for Commission as Dominion Land Surveyor is known as the Final Examination. The particulars of the Final Examination of an articled pupil are given in Schedule B.

Final Examination for Holders of Provincial Certificates

(*c*) The particulars of the Final Examination of a provincial land surveyor, under section 21 of the Dominion Lands Surveys Act, are given in section 4 and Schedule B.

D.T.S. Examination

(*d*) The examination for certificate as Dominion Topographical Surveyor is known as the Dominion Topographical Surveyor's Examination. The particulars are given in Schedule C.

Fees

3. The following fees shall be paid to the secretary of the board:

(*a*) By each applicant for preliminary examination at the time of making application, one dollar;

Dominion Lands Surveys Act—*continued*

(*b*) By each applicant for final examination, at the time of making application, two dollars;

(*c*) By each applicant for examination for a certificate as a Dominion Topographical Surveyor at the time of making application, two dollars;

(*d*) By each candidate who has been successful at the preliminary examination, twelve dollars for a certificate thereof;

(*e*) By each pupil at the time of transmitting his indenture or articles, two dollars;

(*f*) By each candidate who has been successful at the final examination, twenty-two dollars for a commission as a Dominion Land Surveyor;

(*g*) For a certificate as Dominion Topographical Surveyor, two dollars.

Provincial Certificates

4. Surveyors holding provincial certificates and applying for examination under section 21 of the Dominion Lands Survey Act must on request submit such certificates to the Board, and such further evidence as to their service under articles as the Board may require. Upon review of the evidence the Board shall notify the applicant of the subjects to be written and of any further service required under articles before examination.

Meeting of Board prior to Examinations

5. The Board of Examiners meets prior to each examination to consider the qualifications of those candidates whose applications have been received, and continues to sit until the examination and the business of the board are finished.

Time-table for Examinations

6. For examinations held simultaneously at various places the examination questions are the same for the respective schedules, and according to time-tables supplied by the Board of Examiners.

Examination Papers

7. Before each examination, the question papers are prepared by the Board of Examiners and the necessary copies forwarded to the presiding examiners at the different places.

Generally there is one paper for each subject; for a few of the subjects there are two papers.

There is no paper for Penmanship and Neatness, the marks being distributed over all the papers of the preliminary examination.

The examinations for Practical Surveying and Observing of the Final examination consists of practical work and an oral examination.

Hours of Examinations

8. (*a*) The examination sittings begin at 9 a.m. and continue until 12 noon; they begin again at 1.30 p.m. and continue until 4.30 p.m. daily, except Sundays, until the completion of the examination.

Candidates to present themselves punctually

(*b*) Candidates must present themselves punctually at the hours appointed for the commencement of the examinations, and no candidate is allowed to enter the examination room later than

Dominion Lands Surveys Act—*continued*

fifteen minutes after the time of commencement; nor will any candidate be allowed to leave the room during a sitting—save in case of necessity; but as soon as he has finished his papers, he may hand them to the examiner and retire until the next sitting.

Rules to be Read to Candidates

9. Before the beginning of each paper of the examination, the secretary of the Board, or the presiding examiner, reads over and makes clear to the candidates the clauses of these rules relating to the conduct of examinations, laying special stress on those parts referring to the obtaining of assistance and to the method of signing and arranging the answer papers.

Silence in Examination Room

10. Silence must be observed by the candidates in the examination room while the examination is in progress.

Candidates not to Obtain Assistance

11. Candidates must not bring any books, papers or notes into the examination room.

Should it appear to the presiding examiner during an examination, or to the members of the Board during the reading of the answers, that any candidate has broken this rule, or has obtained assistance from any other candidate, the papers of such candidate obtaining assistance shall be cancelled. The candidate from whom such assistance was obtained shall be held to be equally guilty, and shall be dealt with accordingly.

Stationery Supplied by Board

12. The stationery required for examinations is supplied by the Board. The answers must be written in ink (except necessary diagrams, which may be in pencil), and on one side only of the paper.

Information on Each Sheet

13. Each sheet of paper must have at the top the name of the examination, the name of the subject, the number of the question, and the name of the candidate. It is not necessary to copy the question on the sheet.

Method of Deducing Answers

14. (*a*) Not more than one answer must be written on the same sheet of paper.

(*b*) The candidate should arrange his answers in an orderly and methodical manner, and the work should not be cramped. In algebraic or geometrical work the candidate should not write more than one step on a line. Failure to observe this rule will be taken into account in valuing papers for neatness.

(*c*) All the work by which a result is obtained must be clearly shown in immediate connection with the question. No credit will be allowed for any result, however correct it may be, unless the full working be shown, so as to enable the examiners to satisfy themselves that the candidate has understood the question and to see by what process the result has been obtained.

(*d*) Each answer must be confined strictly to the question asked.

Candidates to Arrange Sheets

15. Before handing in his answer papers, the candidate must arrange the sheets in the order of the questions (not in the order in which he may have answered the questions), must page them consecutively, and fasten them together at the left hand upper corner. The sheets are not to be folded.

Dominion Lands Surveys Act—*continued*

Only Certain Persons Admitted to Examination Room

16. No person other than the members of the Board, the presiding examiner, the secretary and the candidates shall be admitted into the examination room while the candidates are writing.

Percentage Required

17. No candidate is considered to have passed in any examination unless he has obtained at least 50 per cent of the maximum number of marks in each subject of such examination, with the exception of the Manual of Survey and Dominion Lands Surveys Act for which he must have obtained at least 80 per cent of the maximum.

Supplemental Examination

18. (*a*) A candidate who has failed in not more than half of the number of subjects may present himself subsequently for examination in such subjects.

Second Supplemental Examination

(*b*) A candidate at such Supplemental Examination who fails in more than two subjects is not allowed a further Supplemental Examination. Should he again present himself he must take the whole examination. Those who fail in one or in two subjects are allowed a second Supplemental Examination.

Failure at Second Supplemental

(*c*) A candidate at such Second Supplemental Examination who fails in any subject is not allowed any further Supplemental Examination. Should he again present himself he must take the whole examination.

Failure in Penmanship and Neatness

(*d*) A candidate who has failed in the subject, Penmanship and Neatness, through receiving less than 50 per cent of the marks allotted to it, will be required at his Supplemental Examination, in order to make up the deficient marks, to write upon such one or more of the other subjects as he may select. For the papers not taken at the Supplemental Examination he will be credited with the marks earned upon the corresponding subjects at the previous examination. Besides making up the deficient marks in Penmanship and Neatness, it will be necessary for him to secure pass marks in the subject or subjects he selects to write upon.

D.T.S. Examination

(*e*) Candidates for the examination for Dominion Topographical Surveyor may present themselves for either part as indicated in Schedule C, provided they give notice of their intention to the secretary at least one month before the examination. They will be allowed Supplemental Examinations in each part as provided in the rules.

Provincial Land Surveyors

(*f*) The above regulations relating to supplemental examinations do not apply to Provincial land surveyors who have been granted

Dominion Lands Surveys Act—*continued*

the privilege of writing a limited examination. In this case those who fail in any subject shall be subject to further examination in part or in whole as may be determined in the discretion of the Board of Examiners.

Marks Supplied to Candidates

19. The secretary is authorized to furnish to any candidate his marks in the different subjects, but not the marks for the individual questions.

Service Under Articles

20. (*a*) The general term of articles is three years including twelve months of field work but graduates in civil engineering and in certain other courses from universities of recognized standing are required to serve only one year or such longer period as may be necessary to include six months field work.

(*b*) A pupil who becomes articled immediately upon receiving notice that he has successfully passed the preliminary examination may, in the discretion of the Board, notwithstanding that he has not completed his term of service, be allowed to present himself for final examination at the meeting of the Board held one year or three years, as the case may be, after the date of his preliminary examination, provided his service has been continuous since he became articled and the field service is complete; but he will be required to complete his term of service under the articles in order to become eligible for a Commission as a Dominion Land Surveyor.

Candidates to Bring Transit Theodolite

21. Each candidate for the final examination must bring with him a transit theodolite, reading at least to minutes, and he must also submit a plan on drawing paper, and field notes of a survey, all made himself as indicated by a certificate to that effect. The plan and notes are filed with the papers in Practical Surveying.

He must also bring a drawing pen and a suitable lettering pen for the paper on Plan Drawing, Projection of Maps, Drawing Instruments.

Tables Supplied

22. Chambers Mathematical Tables supplied by the presiding Examiner are used at all examinations; candidates are not allowed to use their own copies.

Excerpts from Astronomical Almanacs Supplied

23. Tabulated astronomical data are supplied by the Board to candidates at the final examination.

24. The apparent or presumed results of the examination are not communicated to any person until the same have been officially announced.

Blank Forms Supplied by Secretary

25. (*a*) Blank forms for articles of apprenticeship, transfer of articles, oaths of allegiance and of office, and bonds are supplied by the secretary on request to those entitled to receive them.

(*b*) Duplicates of articles and of transfers thereof must be transmitted to the secretary within three months of their inception; otherwise the time of service of the pupil shall count only from the time of the receipt of the duplicate by the secretary.

Dominion Lands Surveys Act—*continued*

Correspondence Addressed to Secretary

26. All correspondence intended for the Board must be addressed: "Secretary, Board of Examiners for Dominion Land Surveyors, Department of Mines and Resources, Ottawa". Letters, etc., addressed in this way are carried free.

Fees must be remitted by registered letter, or by post office money order, or by express money order payable to the order of the secretary. If cheques are sent they must be made to cover the cost of exchange.

Articles of apprenticeship and documents of value must be sent by registered mail.

27. Articles of apprenticeship, bonds, etc., improperly executed are returned to the sender and it rests with him to have the necessary corrections made. The Board assumes no responsibility in the matter.

28. Copies of "The Act respecting the Surveys of the Public Lands of the Dominion and the Surveyors entitled to make such surveys", and which may be cited as the "Dominion Lands Surveys Act, 1908, c. 21, s. 1", may be obtained from the King's Printer, Ottawa, price 10 cents.

29. Copies of the "Manual of Instructions for the Survey of Dominion Lands" (which contains the Dominion Lands Surveys Act) may be obtained from the Surveyor General, Department of Mines and Resources, Ottawa, price 75 cents.

30. In the description of subjects, given in the following pages text books and reference books have been suggested for the guidance of candidates. For the Preliminary and Final examinations, however, any standard text books which cover the ground indicated will be satisfactory. For the examination for Dominion Topographical Surveyor it has been the object to select standard text books for recommendation, and also a list of reference books has been added for general reading.

LIST OF THE SUBJECTS OF THE EXAMINATIONS

SCHEDULE "A"

Preliminary Examination

Penmanship and Neatness.

1. Orthography.
2. Arithmetic and Mensuration.
3. Algebra.
4. Plane and Solid Geometry.
5. Plane Trigonometry and Logarithms.
6. Spherical Trigonometry.
7. Physics.

One hundred marks are allotted to each subject.

For Penmanship and Neatness, the marks are equally distributed between each of the seven papers.

Time required, three and one-half days.

Dominion Lands Surveys Act—*continued*

SCHEDULE "B"

Final Examination for Dominion Land Surveyor Under Sections 12 and 23 of the Dominion Lands Surveys Act

1. Mathematics—First Paper.
2. Mathematics—Second Paper.
3. Astronomy—First Paper.
4. Astronomy—Second Paper.
5. Methods of Surveying and Calculation of Areas.
6. Location and Construction of Roads, Principles of Irrigation, Investigation and Calculation of Water Powers.
7. Theory, Adjustment and Use of Instruments.
8. Plan Drawing, Projection of Maps, Drawing Instruments.
9. Manual of Instructions for the Survey of Dominion Lands and Dominion Lands Surveys Act.
10. Elementary Geology and Mineralogy, Prairie and Forest Flora of Western Canada.
11. Description of Lands for Deeds.

Practical Surveying and Observing (Practical and Oral Examinations).

One hundred marks allotted to each subject.

Mathematics and Astronomy each count as one subject although there are two papers for each.

Time required, six and one-half days.

SCHEDULE "C"

Dominion Topographical Surveyor's Examination

PART I

1. Algebra.
2. Plane and Spherical Trigonometry.
3. Analytical Geometry.
4. Differential and Integral Calculus.
5. Descriptive Geometry and Map Projections.
6. Probability and Least Squares.

Time required, three days.

PART II

7. Geodesy.
8. Astronomy. (two papers).
9. Astronomical Observations.
10. System of Dominion Lands Surveys, Governing, Topographical and Exploratory Surveys.
11. Theory, Construction and Adjustment of Instruments and Theory of Modern Optical Instruments.

Dominion Lands Surveys Act—*concluded*

12. Gravity and Terrestrial Magnetism.
13. Meteorology, Geology and Mineralogy.

Time required, three and one-half days.

NOTE. *A detailed description of the various examinations held by the Board of Examiners for Dominion Land Surveyors, and a summary of the text and reference books recommended for the examinations, may be obtained by candidates free of charge from the Surveyor General, Department of Mines and Resources, Labelle Building, Ottawa.*

DOMINION SUCCESSION DUTY ACT (1940-41, C. 14.)

Regulations under Section 58 of the Act

In the matter of the Dominion Succession Duty Act,
And in the matter of Regulations to be made thereunder,
And more particularly Regulations under section fifty-eight whereby,

"the Minister shall have the administration of this Act and the control and management of the collection of the duties imposed hereby, and of all matters incident thereto and of the officers and persons employed in that service" and "may make any regulations deemed necessary for carrying this Act into effect, and in particular may make regulations:—

(*a*) prescribing forms and providing for the use thereof;
(*b*) prescribing the amount, form and manner in which security shall be furnished;
(*c*) prescribing what rule, method and standard of mortality and of value, and what rate of interest shall be used in determining the value of annuities, terms of years, life estates, income and interests in expectancy; and
(*d*) authorizing the Deputy Minister to exercise such of the powers conferred by this Act, as may, in the opinion of the Minister, be conveniently exercised by the Deputy Minister."

Now, therefore, the Minister of National Revenue, exercising the powers of the said Act hereby revokes all regulations heretofore made and makes the following regulations:—

Administration

1. The administration of the duties arising under the Dominion Succession Duty Act shall be by the Deputy Minister of National Revenue for Taxation hereinafter referred to as Deputy Minister (Taxation) and all officers in the employ of the Taxation Division are hereby authorized to act as fully and effectively in the administration of the Succession Duty laws as they are now authorized in the functioning of the Income Tax laws.

2. The Deputy Minister (Taxation), as the lawful Deputy of the Minister, is authorized to exercise the powers conferred by the Act upon the Minister as fully and effectively as if the said powers were exercised by the Minister.

Statement of value and relationship, Section 15

3. Subject to the provisions of section 15 of the Act the executor and every heir, legatee, substitute, institute or other successor shall, within six

Dominion Succession Duty Act—*continued*

months after the death of the deceased, without any notice or demand therefor, deliver to the Administrator or Directors General or Directors of Succession Duties Form S.D. 1, S.D. 1 Special, or S.D. 1 NR hereby prescribed as the Forms upon which shall be stated the information required thereby and thereon, more generally indicated as the value of all property included in the succession.

4. The forms mentioned in the last preceding paragraph shall be used in the circumstances and filed in the manner as follows:

(*a*) Form S.D. 1 shall be used if the deceased died domiciled within Canada and the value of all property included in the succession exceeds forty thousand dollars, and shall be filed in duplicate together with one certified copy and one office copy of the Last Will and Testament of the deceased.

(*b*) Form S.D. 1 Special or S.D. 1 shall be used if the deceased died domiciled within Canada and the value of all property included in the succession does not exceed forty thousand dollars, and a single copy thereof shall be filed together with one certified copy of the Last Will and Testament of the deceased.

(*c*) Form S.D. 1 NR shall be used if the deceased died domiciled outside of Canada, and a single copy thereof shall be filed together with one certified copy of the Last Will and Testament of the deceased.

S.D. 1 to be filed with Director General or Director of Succession Duties

5. Form S.D. 1 or S.D. 1 Special shall be delivered to the Director General or Director of Succession Duties for the district in which the deceased, during his lifetime, filed his last Income Tax Return or the district in which he resided at death.

Foreign Estates to be filed at Ottawa

6. If the deceased died domiciled outside of Canada, Form S.D. 1 NR shall be delivered to the Administrator of Succession Duties at Ottawa.

Demand for Information, Section 17

7. The Deputy Minister (Taxation), the Administrator and Directors General and Directors of Succession Duties are hereby empowered to demand by registered letter any information, additional information or explanation pertaining to any matter arising under the Act, and the same shall be furnished by the heir, legatee, substitute, institute, executor or successor, or such other person as has under his control any such information.

Opening of safety deposit boxes. Minister's representative, Section 50

8. Any manager, assistant manager or acting manager of a branch of any bank (including a savings bank operated under the Quebec Savings Bank Act), any such officer of any Loan and Savings Company or of any Insurance Company duly authorized to do business in Canada or any of the provinces thereof under Dominion or Provincial licence, any such officer of any of the hereunder approved trust companies, or any such officer of any company duly authorized in writing by the Deputy Minister (Taxation), shall represent the Minister for the purpose of opening any depository under his management and listing the contents thereof, pursuant to section 50, and of permitting the withdrawal therefrom of the Will of the deceased.

Dominion Succession Duty Act—*continued*

Form S.D. 31 and list to be forwarded to Minister

9. The person representing the Minister at the opening of a depository shall complete and sign in duplicate Form S.D. 31, which shall also be signed by the representative of the estate present at such opening, and shall retain the original thereof and forward the copy together with a true and complete list of the contents of such depository certified and signed by him to the Administrator or Director General or Director of Succession Duties.

Withdrawal of contents, Section 50

10. Before the contents of any safety deposit box or depository may be withdrawn, in whole or in part, by any person except as provided for in the above regulation, there shall be procured from the Deputy Minister (Taxation), or the Administrator or Director General or Director of Succession Duties Form S.D. 32 consenting to the withdrawal of the contents from the safety deposit box or depository. Such Form shall:

(1) bear the signature of the Deputy Minister (Taxation), written, printed or stamped thereon;

(2) be one of a series, serially numbered, and issued from the office of the Deputy Minister (Taxation) or the office of the Director General or Director of Succession Duties; and

(3) be signed in the space provided for under the words "Dominion Succession Duties Office at" by the Deputy Minister (Taxation) or the Administrator or Director General or Director of Succession Duties or an authorized officer of any of them.

Consent to transfer property, Section 49 (1)

11. Except as otherwise provided by the Act, before any property whatsoever may be transferred the consent on Form S.D. 30, as required by section 49, must be obtained from the Deputy Minister (Taxation), or the Administrator or Director General or Director of Succession Duties. The Form shall be completed in the manner prescribed by regulation 10 (1), (2) and (3).

12. Insurance moneys, benevolent and friendly society benefits, and superannuation benefits, may be paid to the persons entitled thereto, provided the payment does not exceed fifteen hundred dollars, and provided further that the person making such payment lodges notice of payment at the time thereof with the Administrator or Director General or Director of Succession Duties on Form S.D. 17.

13. Bank or company deposits, claims in respect of salary or wages, and gratuities may be paid provided the payment does not exceed five hundred dollars, and provided further that the person making such payment lodges notice of payment at the time thereof with the Administrator or Director General or Director of Succession Duties on Form S.D. 18.

Notice of Assessment, Section 22

14. The Notice of Assessment, required by section 22 shall be in accordance with Form S.D. 7, and shall bear the signature or facsimile signature of the Deputy Minister (Taxation), written, printed or stamped thereon.

Dominion Succession Duty Act—*continued*

Security required, Section 26

15. The security required by section 26 shall be regarded satisfactory if given,

(*a*) by a deposit with the Receiver General of Canada of a sum of money considered by the Deputy Minister (Taxation) to be sufficient; or

(*b*) by a bond, satisfactory to the Deputy Minister (Taxation) in a penal sum not less than double the amount of the whole or unpaid portion of the estimated duty.

Form of bonds

16. For the purpose of the Act, bonds shall be furnished in the form herein prescribed, namely,

(*a*) If a company is appointed executor, administrator or trustee by the Will of the deceased, or by the Court, and the company is by Provincial law authorized to act without security in the administration of the estate, the bond shall be in accordance with Form S.D. 2;

(*b*) All other executors and administrators are required to have the said Form S.D. 2 endorsed by way of guarantee in support of the executor's or administrator's signature by a guarantee company satisfactory to the Deputy Minister (Taxation);

(*c*) Any bond required to be filed by a successor shall be in accordance with Form S.D. 3. Such bond shall be endorsed by way of guarantee by a guarantee company satisfactory to the Deputy Minister (Taxation). All such bonds mentioned in regulations 15 and 16 hereof shall be deposited with the Administrator or Director General or Director of Succession Duties.

Statement of debts, Section 8

17. Debts claimed as allowances and not shown on Form S.D. 1 or S.D. 1 NR as being particular to the property described must be declared on Form S.D. 14, and shall be filed with the Administrator or Director General or Director of Succession Duties at the time of the completion and filing of Form S.D. 1 or S.D. 1 NR (so far as debts are then known). The said Form S.D. 14 shall set forth general debts, funeral expenses, Surrogate, Probate and other like Court fees for which an allowance is claimed under the Act.

Interest in Expectancy in possession, Section 28

18. Where an interest in expectancy falls into possession, and the duty has not been previously paid, the executor, administrator or trustee, or the person who benefits by such interest in expectancy shall furnish to the Director General or Director of Succession Duties on Form S.D. 1 if the deceased died domiciled within Canada, or to the Administrator of Succession Duties on Form S.D. 1 NR if the deceased died domiciled outside of Canada, a statement in detail showing particulars of the property in respect of which such interest in expectancy exists and the value thereof at the time of falling into possession.

Certificate of Discharge, Section 35

19. Where the Deputy Minister (Taxation) is satisfied that the Succession Duties have been paid in full by the person or persons who were

Dominion Succession Duty Act—*continued*

liable therefor in respect of all properties included in successions from the deceased, he may cause to be issued a Certificate of Discharge on Form S.D. 9. The Form shall be completed in the manner prescribed by regulation 10 (1), (2) and (3.

Valuation of annuities, etc., Section 34

20. (1) The value of every annuity, term of years, life estate, income or other estate, and of every interest in expectancy, shall be determined,

(i) if the succession does not depend on life contingencies, on the basis of compound interest at the rate of four per centum per annum with annual rests; and

(ii) if the succession depends on life contingencies, on the basis of interest as aforesaid, together with the standard of mortality as defined in Table II below;

and Tables I, III and IV, below, which are derived from the bases aforesaid, shall be used so far as they may be applicable in the valuation of any succession.

(2) The amount of the duty payable in respect of any succession coming within the terms of section 7 (3) (*a*) (ii) shall be determined in accordance with Table V below.

Administrator, Directors General and Directors of Succession Duties and their Districts

21. The Administrator of Succession Duties shall be located at Ottawa and the Directors General or Directors of Succession Duties shall be located at Charlottetown, Sydney, Halifax, Saint John, Quebec, Sherbrooke, Montreal, Ottawa, Kingston, Belleville, Toronto, Hamilton, London, Fort William, Winnipeg, Regina, Saskatoon, Calgary, Edmonton, Vancouver and Dawson.

Evidence

22. In any proceeding before any Court of competent jurisdiction under the provisions of the Criminal Code relating to prosecutions authorized by the Minister of National Revenue, arising from the administration or enforcement of any of the provisions of the Dominion Succession Duty Act, the Judge or Magistrate of such Court is hereby declared to be and shall be deemed to be legally entitled to receive evidence by and from any person employed in the service of His Majesty with respect to any information obtained under the provisions of the said laws, or to receive or view any written statement or document, obtained under the provisions of the said laws which are relevant to the matter before the Court.

Dated at Ottawa, this 18th day of September, A.D. 1948.

JAMES J. McCANN,
Minister of National Revenue.

FORMS

The forms mentioned in the foregoing Regulations are hereby prescribed and are as follows:

Dominion Succession Duty Act—*continued*

All communications addressed to the Inspector of Succession Duties must have sufficient postage affixed.

PAGE 1

S.D. 1
Rev. July, 1942

Date of death.....19.....

DOMINION OF CANADA
SUCCESSION DUTIES

Date Rec'd By Insp.

(Form prescribed and authorized by the Minister of National Revenue)

IN THE MATTER OF THE ESTATE OF.....**, deceased.**
(BLOCK LETTERS)

1. Statement required from the executor of a deceased person. If the executor does not file the statement, the beneficiary must do so. Both are equally required so to do, but the Minister may accept one complete statement and thereby relieve the other or others. Usually the complete statement is made by the executor. Reference to the executor, administrator or beneficiary or other person in the singular is also intended to include the plural.

2. This statement is to be prepared in triplicate. One copy is to be retained by the person filing the statement, and two must be delivered, or mailed, postpaid, within **six months** after the death of the deceased.
   (a) to the **Dominion Succession Duties Office** for the district in which the deceased person filed his last Dominion Income Tax return, or the district in which he resided at death, or

   (b) to the **Deputy Minister of National Revenue (Taxation),** Ottawa, Ontario, if the deceased was at his death domiciled outside of Canada, (see item 1 (b) of Instructions, i.e., Form S.D. 1-A).

3. **This statement must contain or have attached thereto,**
   (a) the information required to be given by the schedules referred to in Form S.D. 1-A;
   (b) one certified copy and one office copy of the Last Will and Testament of the deceased.

4. **Name of deceased**..... 5. **Age at date of death**.....

6. **Former active occupation**.....

7. **Last address**.....

8. Date of death..... 9. Country of domicile.....

10. **Testate or intestate**..... 11. Matrimonial status.....

12. Did the deceased file Dominion Income Tax returns?.....If so, where?.....

13. Name and address of Executor, Administrator, Trustee or other person making this statement—(state whether Executor, Administrator or Beneficiary).

.....

.....

.....

.....

14. Name and address to which communications should be sent—

.....

.....

15. I/WE HEREBY CERTIFY that I am / WE are the administrator(s) / executor(s) / beneficiary(ies) and as such have knowledge of the requirements of the Succession Duty law requiring full and complete disclosure of all property of every kind of the deceased, and in particular have read this Succession Duty Form S.D. 1 and have noted the information and instructions contained in Form S.D. 1-A, and that I/WE have inquired as to any property passing from the deceased prior to the date of death, more particularly referred to in item 2 of Form S.D. 1-A and according to the best of my/our knowledge, information and belief, this statement and attached schedules contain a full and complete disclosure of all property of every kind, whether within or without Canada, included in successions from the above-named deceased person, the whole being thus certified in accordance with the Dominion Succession Duty Act, as being "a full, true and correct statement".

Date.....19 .....

16. Signature of authorized person(s) .....

.....

.....

17. Legal capacity or status of declarant(s).....

		Departmental Estimate
18. TOTAL COMBINED DUTIES PAYABLE (from item 34 (7))	$.....	$.....
19. Payment herewith by cheque payable to the RECEIVER GENERAL OF CANADA		$.....

20. The difference between the amount paid and the departmental estimate must be secured by a bond of the executor and an authorized surety company or a bond of an executorship company authorized to administer without security, in double the said difference, or the said difference must be paid in cash. Otherwise, possession of, use by, or transfer of title to the property cannot be made or given by the Executor or Administrator without infringing the law and incurring penalties.

PENALTIES

21. There are severe penalties for failure to file this statement within six months of the death of the deceased, for failure to disclose all property assets or interests of every kind comprised in any succession or successions, for overstatement of debts, liabilities and expenditures herein or related hereto, or for any false statement of relationships or for any false statement whatsoever.

FOR DEPARTMENTAL USE—

19 ..... S.D. 6 No. Date ..... 19 ..... Assessor I.O..... H.O.....

1218—100M—5-47

Dominion Succesion Duty Act—*continued*

STATEMENT OF REAL AND PERSONAL PROPERTY WHEREVER SITUATED

22. **INSTRUCTIONS:**—(1) "Property" is defined by the Statute to include, "all property, real or personal, movable or immovable, of every description, and every estate and interest therein or income therefrom capable of being devised or bequeathed by will or of passing on the death", and includes also the property mentioned in Section 3 of the Act.

(2) A "Succession" means every disposition of property by reason whereof any person has or shall become beneficially entitled to any property or the income thereof, upon the death of any person, and every devolution by law of any beneficial interest in property or the income thereof. "Successor" means the person entitled under a succession.

(3) The Executor, in his capacity as such, is liable for all duties in respect of all property administered by him, even though the "successor" be also liable for duty in respect of the property to which the "successor" is entitled. (Section 12 of the Act.)

(4) Any "person" who deals with the property of the deceased as an executor *de son tort* (without legal authority), becomes liable for succession duties in the same manner as an Executor appointed by the will of the deceased.

23. The property included in successions from a deceased must be listed separately in item 27 in the following order of Schedules, more particularly referred to on Form S.D. 1-A, and the total value given at the end of each Schedule with a final total, item 28, namely:—

PROPERTY IN POSSESSION OF THE DECEASED AT DEATH IN CONTEMPLATION OF LAW:—

24. **Did the deceased own either in whole or in part any property of the following kind? State "yes" or "no" after each item.**

A. Real Estate?.....
B. Mortgages and Agreements for Sale?.....
C. Stocks?.....
D. Bonds?.....
E. Cash on hand and in Bank?.....
F. Interest in Business?.....
G. Promissory Notes?.....
H. Book Debts?.....
J. Life Insurance?.....
K. Miscellaneous Property?.....

OTHER PROPERTY

25. **Did the deceased:—**

Make any—
L. Gifts inter-vivos, within three years of death but after April 29, 1941, or if prior thereto in contemplation of death?
.....

Purchase or provide any—
M. Annuities?.....

Have an interest in any—
N. (1) Joint properties?.....

Exercise during his lifetime any—
(2) General powers of appointment or disposal?
.....

Make any—
(3) Settlements including Marriage Settlements?
.....
or
Upon the deceased's death did there arise any—
(4) Estates in dower or by the curtesy?.....

26. The distribution of the property to the actual beneficiaries by name must be shown in Schedule "P" on page four hereof in accordance with instructions contained in item 20 of Form S.D. 1-A.

27. List below in order of Schedules those successively answered "yes" in items 24 and 25 above.

State letter of alphabet as in items 24 & 25	DESCRIPTION OF PROPERTY (stating encumbrances thereon—see item 5 in Form S.D. 1-A for example) (1)	In respect of any particular property inside columns may be made to show sub-totals within any schedule for example (2) Gross value	(3) Itemised liabilities	(4) Total of itemised liabilities	Value at date of death (5) $	c.
	Sub-total carried forward					

Dominion Succession Duty Act—*continued*

PAGE 3 S.D. 1

STATEMENT OF REAL AND PERSONAL PROPERTY WHEREVER SITUATED—Continued

27. (Continued) DESCRIPTION OF PROPERTY (Stating encumbrances thereon—see item 5 in Form S.D. 1-A for example)	In respect of any particular property inside columns may be made to show sub-totals within any schedule, for example			Value at date of death	
(1)	(2) Gross value	(3) Itemized liabilities	(4) Total of itemized liabilities	$ (5)	c.
State letter of alphabet as in items 24 & 25					
Sub-total brought forward.....					

Dominion Succession Duty Act—*continued*

PAGE 4 S.D. 2

DISTRIBUTION OF PROPERTY

SCHEDULE P

32. State the "Initial Rate" based on the "Aggregate Net Value" as per "Rates of Duty", item 21 (3) of Form S.D. 1-A.....% (add this to the additional rate in item 33 (6) (a) to get the total rate, item 33 (6)(b)).

1 33. Name and Address of Successor	2 Relationship to Deceased if any	3 Age of beneficiary at date of death	4 Nature of Property or Benefit	5 Value of Property or Benefit to the Successor		6 Rates of Tax (a) Additional Rate item 21 6-7-8-9 Form S.D. 1-A	 (b) Total Rate	7 Duties Payable on Dutiable Value item 21 (4 and 5) Form S.D. 1-A Carry total to item 18		For Departmental Use	
				$	c.			$	c.	$	c.

Dominion Succession Duty Act—*continued*

DOMINION OF CANADA
SUCCESSION DUTIES

S. D. 1A
3740—SM—5-49

INFORMATION AND INSTRUCTIONS FOR COMPLETION OF DOMINION SUCCESSION DUTY FORMS S.D. 1 AND S.D. 14 FOR ESTATES OF PERSONS DOMICILED IN A PROVINCE OR TERRITORY OF CANADA AT DATE OF DEATH

1. The Act taxes the succession to:—

(*a*) Real or immovable property situated *in* Canada and all *personal* property wheresoever situated, if the deceased was domiciled in Canada; and

(*b*) All property situated in Canada if the deceased was domiciled outside of Canada. In this case the form to be filed is S.D. 1 N.R. which contains its own explanation.

2. The property to which a person succeeds for purposes of taxation is not confined to the deceased's own property of which he can dispose, but is extended to and includes the following, namely:—

(1) Property transferred at any time in contemplation of death;
(2) Donations *mortis causa;*
(3) Gifts *inter vivos* made within three years prior to the death of the donor but after April 29th, 1941;
(4) Gifts *inter vivos* where the donor has reserved benefits to himself during his lifetime;
(5) Joint property;
(6) Property passing under a settlement where the deceased reserved a life interest to himself or the right to reclaim the absolute interest in such property;
(7) Annuities or other interests purchased or provided by the deceased to the extent to which the successor benefits;
(8) Insurance moneys equal to the proportionate extent that the premiums were paid by the deceased;
(9) Property over which the deceased had a general power of appointment, enabling him to dispose of the property, whether such power was exercised or not;
(10) Property transferred to any person in consideration of marriage on or after April 29th, 1941, and within three years prior to the death of the deceased;
(11) Property transferred on or after April 29th, 1941, and within three years prior to the death of the deceased for partial consideration, to the extent to which the value of the property when transferred exceeded the consideration;
(12) Estates in dower or by the curtesy.

3. VALUATIONS—The property included in the successions and the fair market value thereof as at date of death is to be listed in item 27 of Form SD1 and additional sheets should be attached if required.

Market value of property means the value or amount which the property, if sold in the open market at the time of death by a willing seller, might be expected to realize.

4. **PROPERTY IN POSSESSION OF THE DECEASED AT DEATH IN CONTEMPLATION OF LAW**

5. SCHEDULE A.—REAL ESTATE. Real property should not be declared at the assessed value unless such value represents the fair market value as of the date of death. The assessed value however should be stated for purposes of reference.

The property should be so described and identified in the statement that upon investigation by an officer of the Department it may be readily located for inspection and valuation. In cases of City or Town property give the street and number and size of lot. If there are any encumbrances against the real estate the amount thereof must be shown after the description of the parcel affected in the inner column and the amount of equity extended in the value column. (Item 27 (3) in Form SD1).

DESCRIPTION OF PROPERTY (Stating encumbrance thereon)		Gross Value	Itemized Liabilities	Total of Itemized Liabilities	Value at Date of Death	
2010 Main Street, Centreville, part lots ..... and ..... Plan		12,000				
	1st Mortgage		5,000			
50 x 100 feet, brick, detached dwelling, 2 storeys, 10 rooms.	2nd Mortgage		1,000			
	Accrued Interest		190	6,190	5,810	00

For rural property state Lot and Concession or Section, Township, Range, etc., as the case may be, together with buildings.

Real property which the deceased has contracted to purchase should be listed under this heading. The full value of the property should be given although particulars should also be disclosed of the unpaid portion of the purchase price, and the amount of equity extended in the value column.

6. SCHEDULE B.—MONEYS SECURED BY MORTGAGE AND AGREEMENTS FOR SALE. Give the proper Registry Office description of the land covered by each Mortgage and each Agreement for sale. In the case of Mortgages give also:—

(*a*) Name of mortgagor (*c*) Date of mortgage (*e*) Dates and rate of interest
(*b*) Face value and unpaid balance (*d*) Maturity date

In the case of agreements for sale give:

(*a*) Name of purchaser (*b*) Full purchase price and unpaid balance (*c*) Dates and rate of interest

Then carry out full balance owing to deceased in outside column.

7. SCHEDULE C.—STOCKS. Stocks should be so described and identified that consent to transfer can be granted; state series and number of certificates, number of shares, exact title of Corporation, address of Head Office; dividend rate (if any), common or preferred, par value per share; market value per share at date of death; and if stock is unlisted, location of principal business office.

The market value of any stock which is listed on any stock exchange, or if not so listed, on which a price or quotation is obtainable from financial journals, recognized financial reports or registered brokers, shall be the closing price or quotation of such stock on the date of the death of the deceased, or if there is no closing price or quotation on such day, then on the last preceding day on which there is a closing price or quotation.

Inactive stock and stock in close corporations should be valued on the basis of the Company's net worth, earning and dividend paying capacity, and all other relevant factors bearing on the value of the stock. Complete financial and other data upon which the executor bases his valuation should be supplied with, if necessary, attached statements properly identified.

8. SCHEDULE D.—BONDS. Bonds should be so described and identified that consent to transfer can be granted: state quantity, denomination, series and number, exact title, kind of bond, interest rate, interest and due dates.

e.g. 2- $1,000.00 bonds, numbered S. 1426, S. 1427, Canadian National Railway Company, first mortgage, 5%, registered 50 year gold bonds due 1960, interest dates—Jan. 3rd, July 3rd, at 96—value $1,920.00. Interest accrued to date of death—$100.00. $2,020.00

The market value of bonds will be determined on principles similar to those which are applicable to stocks.

9. SCHEDULE E.—CASH ON HAND AND IN BANK. Give particulars of each account, stating the name of the bank and its address, amount (including accrued interest to date of death), the account number, and whether current, savings or otherwise. Cash in bank and on hand should be listed separately.

10. SCHEDULE F.—INTEREST IN BUSINESS. A brief description of the business should be given with the address, and the value of the interest should be shown in the outside column. In addition to this statement, there should be submitted a statement of the assets and liabilities, profit and loss and capital accounts of the business as of date of death, and for three years preceding death, if not already filed with the Taxation Division. If they are, state district in which filed.

11. SCHEDULE G.—PROMISSORY NOTES. In this Schedule there should be given: (*a*) Name of debtor or payor and address; (*b*) Face value and unpaid balance; (*c*) Due Date; (*d*) Interest dates, date interest has been paid to, and interest due to date of death.

12. SCHEDULE H.—BOOK DEBTS. Give description of each debt with value thereof at time of death including interest, if any.

13. SCHEDULE J.—LIFE INSURANCE. (*a*) Include all insurance upon life of deceased on which deceased paid the premiums, stating name of the insurance company, serial number of policy, name and relationship of beneficiary, face value of the policy, amount of dividends or profits, and amount of any loans against any policy. (*b*) If deceased paid part of premiums, or advanced moneys to pay premiums, state particulars, and extend amount for which deceased is proportionately responsible.

14. SCHEDULE K.—(1) MISCELLANEOUS PROPERTY OF THE DECEASED. Include the succession to such property as household goods and furniture, pictures, plate and jewellery, farm implements, farm produce and stock, automobiles and other vehicles, and any other property not previously listed. In the case of special articles having marked artistic or intrinsic value, the appraisal of an expert should be submitted with the statement of the executor. Include also any accrued income such as rents, royalties, interest, dividends, etc. not otherwise or elsewhere included along with the capital asset out of which the said income arises.

(2) INTEREST IN OTHER ESTATES. If the deceased had an interest in the capital of any estate or trust, a detailed statement must be attached, with a copy of the Will or Trust Agreement.

(OVER)

Dominion Succession Duty Act—*continued*

15. **OTHER PROPERTY**

16. SCHEDULE L.—GIFTS *INTER VIVOS*. Particulars should be given of the date of the gift, the name, address and the age of the donee. Give also the relationship of the donee to the deceased, and the nature of the gift. The value should be carried to the outside column.

17. SCHEDULE M.—ANNUITIES. Include all benefits in the form of money, securities, goods, services or land, subtracted from the means of the deceased during his life, and all benefits provided by purchase or services rendered during his life, where such benefits appear at his death in the form of an annuity or beneficial interest to a successor.

Examples of annuities and other interest provided by the deceased are as follows:—

(*a*) An annuity purchased by him and payable to himself for life, and on his death to his widow for life.

(*b*) Provident or superannuation funds which are contributed by employers for the benefit of widows and children of deceased employees.

(*c*) Benefits provided by group insurance.

18. SCHEDULE N.—JOINTLY OWNED PROPERTY, INCLUDING JOINT BANK ACCOUNTS.

(1) The fair market value of the joint property should be disclosed as of the date of death. If the executor or the successor contends that less than the value of the entire joint property is dutiable then he should make proof of the extent, origin and nature of the deceased's interest in the joint property, and the interest of the survivor or survivors therein should be submitted. The date on which the joint tenancy was created should be stated in every case.

(2) Powers of Appointment. Property which is the subject-matter of a general power of appointment is subject to duty both on the death of the creator of the power and on the death of the donee of the power. On the death of the creator of the power, duty is charged as if the property had been directly given to the donee of the power. On the death of the donee of the power, the successor who then benefits is subject to duty in respect of his succession. Particulars should be given in the statement of the property covered by the power, its market value at the date of death, the name and address of the successor, and his relationship, if any, to the deceased. A copy of the instrument conferring the power, and a copy of the instrument, if any, by which it was exercised, should be furnished with the statement.

(3) Settlements, including marriage settlements. Include the value of the property settled by deed of the settlor in circumstances where:—

(*a*) He reserved a life interest to himself; or

(*b*) He reserved the right to restore to himself the absolute interest in the property.

(4) Dower and Curtesy. Include the value of these rights of the wife and husband respectively in the lands of each other.

19. SCHEDULE O.—DEBTS. Show particulars of debts on Form S.D.14 and file it with Form S.D.1. Carry the total debts claimed thereon to item 29 of Form S.D. 1. Show debts in two parts—

(*a*) Those paid at time of filing Form S.D. 14, and

(*b*) Those not yet paid (with reasons therefor). Show total claimed on page three (item 29) of Form S.D. 1.

20. SCHEDULE P.—DISTRIBUTION OF PROPERTY. In this schedule on page 4 of Form S.D.1 set out particulars of each beneficiary, giving name, address, degree of relationship to the deceased, the age of any life annuitant or child where under eighteen years, and the nature of the benefit or property passing to each beneficiary.

RATES OF DUTY

21. **The following table shows rates applicable if death occurred before 1st January, 1947. If death occurred on or after 1st January, 1947, rates are double those shown hereunder, but application can be made for a deduction in respect of any duties paid to a Province of Canada in accordance with Sec. 11A of the Dominion Succession Duty Act.**

Class A, Column 6, includes: Widow or child (as described in the Act) of the deceased;

Class B, Column 7, includes: Grandfather, grandmother, father, mother, husband, son-in-law or daughter-in-law of the deceased or a child of the deceased eighteen years of age or over at the date of the death of the deceased and not dependent, at that date, upon the deceased for support on account of mental or physical infirmity;

Class C, Column 8, includes: A lineal ancestor (except a grandfather, grandmother, father or mother), a brother or sister of the deceased or any descendant of a brother or sister, or a brother or sister of the father or mother of the deceased or any descendant of such brother or sister;

Class D, Column 9, includes: Any person in any other degree of consanguinity to the deceased other than as mentioned in class A, B or C or a stranger in blood to the deceased.

1	2	3	4	5	6	7	8	9
Aggregate Net Value		Initial Rates Dependent on Aggregate Net Value	Dutiable Value		Additional Rates Dependent on Dutiable Value			
Exceeding	Not Exceeding		Exceeding	Not Exceeding	Class A	Class B	Class C	Class D
$	$	%	$	$	%	%	%	%
—	—	—	1,000	1,800	—	1·0	2·0	2·5
—	—	—	1,800	2,600	—	1·2	2·1	2·6
—	—	—	2,600	3,400	—	1·4	2·2	2·7
—	—	—	3,400	4,200	—	1·6	2·3	2·8
—	—	—	4,200	5,000	—	1·8	2·4	2·9
5,000	6,000	—	5,000	6,000	2·0	2·0	2·5	3·0
6,000	7,000	—	6,000	7,000	2·05	2·1	2·6	3·1
7,000	8,000	—	7,000	8,000	2·1	2·2	2·7	3·2
8,000	9,000	—	8,000	9,000	2·15	2·3	2·8	3·3
9,000	10,000	—	9,000	10,000	2·2	2·4	2·9	3·4
10,000	13,000	—	10,000	13,000	2·25	2·5	3·0	3·5
13,000	16,000	—	13,000	16,000	2·3	2·6	3·1	3·6
16,000	19,000	—	16,000	19,000	2·35	2·7	3·2	3·7
19,000	22,000	—	19,000	22,000	2·4	2·8	3·3	3·8
22,000	25,000	—	22,000	25,000	2·45	2·9	3·4	3·9
25,000	27,000	0·5	25,000	27,000	2·5	3·0	3·5	4·0
27,000	29,000	0·6	27,000	29,000	2·6	3·1	3·6	4·2
29,000	31,000	0·7	29,000	31,000	2·7	3·2	3·7	4·4
31,000	33,000	0·8	31,000	33,000	2·8	3·3	3·8	4·6
33,000	35,000	0·9	33,000	35,000	2·9	3·4	3·9	4·8
35,000	36,500	1·0	35,000	36,500	3·0	3·5	4·0	5·0
36,500	38,000	1·05	36,500	38,000	3·05	3·55	4·1	5·1
38,000	39,500	1·1	38,000	39,500	3·1	3·6	4·2	5·2
39,500	41,000	1·15	39,500	41,000	3·15	3·65	4·3	5·3
41,000	42,500	1·2	41,000	42,500	3·2	3·7	4·4	5·4
42,500	44,000	1·25	42,500	44,000	3·25	3·75	4·5	5·5
44,000	45,500	1·3	44,000	45,500	3·3	3·8	4·6	5·6
45,500	47,000	1·35	45,500	47,000	3·35	3·85	4·7	5·7
47,000	48,500	1·4	47,000	48,500	3·4	3·9	4·8	5·8
48,500	50,000	1·45	48,500	50,000	3·45	3·95	4·9	5·9
50,000	52,500	1·5	50,000	52,500	3·5	4·0	5·0	6·0
52,500	55,000	1·55	52,500	55,000	3·55	4·1	5·1	6·1
55,000	57,500	1·6	55,000	57,500	3·6	4·2	5·2	6·2
57,500	60,000	1·65	57,500	60,000	3·65	4·3	5·3	6·3
60,000	62,500	1·7	60,000	62,500	3·7	4·4	5·4	6·4
62,500	65,000	1·75	62,500	65,000	3·75	4·5	5·5	6·5
65,000	67,500	1·8	65,000	67,500	3·8	4·6	5·6	6·6
67,500	70,000	1·85	67,500	70,000	3·85	4·7	5·7	6·7
70,000	72,500	1·9	70,000	72,500	3·9	4·8	5·8	6·8
72,500	75,000	1·95	72,500	75,000	3·95	4·9	5·9	6·9
75,000	77,500	2·0	75,000	77,500	4·0	5·0	6·0	7·0
77,500	80,000	2·05	77,500	80,000	4·1	5·1	6·1	7·1
80,000	82,500	2·1	80,000	82,500	4·2	5·2	6·2	7·2
82,500	85,000	2·15	82,500	85,000	4·3	5·3	6·3	7·3
85,000	87,500	2·2	85,000	87,500	4·4	5·4	6·4	7·4
87,500	90,000	2·25	87,500	90,000	4·5	5·5	6·5	7·5
90,000	92,500	2·3	90,000	92,500	4·6	5·6	6·6	7·6
92,500	95,000	2·35	92,500	95,000	4·7	5·7	6·7	7·7
95,000	97,500	2·4	95,000	97,500	4·8	5·8	6·8	7·8
97,500	100,000	2·45	97,500	100,000	4·9	5·9	6·9	7·9

FOR RATES OF DUTY IN ESTATES EXCEEDING $100,000.00 SEE FIRST SCHEDULE TO THE ACT

Dominion Succession Duty Act—*continued*

All communications addressed to the District Dominion Succession Duties Office must have sufficient postage affixed.

[THIS FORM MUST ONLY BE USED FOR ESTATES HAVING A GROSS VALUE OF $40,000 OR LESS]

S.D. 1
SPECIAL
Rev. May 1948

Date of death.....19.....

DOMINION OF CANADA
SUCCESSION DUTIES

Date Rec'd By D.O.

(Form Prescribed and Authorized by the Minister of National Revenue)

IN THE MATTER OF THE ESTATE OF....., deceased
(BLOCK LETTERS)

1. Statement required from the executor of a deceased person. If the executor does not file the statement, the beneficiary must do so. Both are equally required so to do, but the Minister may accept one complete statement and thereby relieve the other or others. Usually the complete statement is made by the executor. Reference to the executor, administrator or beneficiary or other person in the singular is also intended to include the plural.

2. This statement is to be prepared in duplicate. One copy is to be retained by the person filing the statement, and one must be delivered or mailed, postpaid, within **six months** after the death of the deceased to the **Dominion Succession Duties Office** for the district in which the deceased person filed his last Dominion Income Tax return, or the district in which he resided at death.

3. Name of deceased..... 4. Age at date of death.....

5. Former active occupation.....

6. Last address..... 6 (a) Prior address.....

7. Date of death..... 8. Country of domicile.....

9. Testate or intestate ..... 10. Married or single?.....
(If married state whether common or seperate as to property)

11. Did the deceased file Dominion Income Tax Returns?.....If so, where?.....

12. Name and address of Executor, Administrator, Trustee or other person making this statement—(state whether Executor, Administrator or Beneficiary).

.....

.....

.....

.....

13. Name and address to which communications should be sent:—

.....

.....

14. I/WE HEREBY CERTIFY that I am the / WE are administrator(s) / executor(s) / beneficiary(ies) and as such have knowledge of the requirements of the Succession Duty law requiring full and complete disclosure of all property of every kind of the deceased, and in particular have read this Succession Duty Form S.D. 1 Special, and that I/WE have inquired as to any property passing from the deceased prior to the date of death, more particularly referred to in item 2 of Form S.D. 1-A and according to the best of my/our knowledge, information and belief, this statement and attached schedule contain a full and complete disclosure of all property of every kind, whether within or without Canada, included in successions from the above-named deceased person, the whole being thus certified in accordance with the Dominion Succession Duty Act, as being "a full, true and correct statement."

Date.....19.....

15. Signature of authorized person(s) .....

.....

.....

16. Legal capacity or status of declarant(s) .....

PROPERTY OF THE DECEASED AT DEATH IN CONTEMPLATION OF LAW—
State "yes" or "no" after each item.

17. Did the deceased own either in whole or in part any property of the following kind?

A. Real Estate?.....

B. Mortgages and Agreements for Sale?.....

C. Stocks?.....

D. Bonds?.....

E. Cash on hand and in Bank? .....

F. Interest in Business?.....

G. Promissory Notes?.....

H. Book Debts?.....

J. Life Insurance?.....

K. (1) Miscellaneous Property? .....

(2) Interest in other estates?.....

OTHER PROPERTY

18. Did the deceased—

L. Make any—
Gifts inter-vivos, within three years of death but after April 29, 1941, or if prior thereto in contemplation of death?

.....

M. Purchase or provide any—

(1) Annuities? .....

(2) Pensions, Superannuations, gratuities from employers, etc.?.....

(3) Benefits provided by group insurance?.....

.....

.....

N. Have an interest in any—

(1) Joint properties?.....

Exercise during his lifetime any—

(2) General powers of appointment or disposal?

.....

Make any—

(3) Settlements including Marriage Settlements?

.....

or

Upon the deceased's death did there arise any—

(4) Estates in dower or by the curtesy?.....

Assessor's Initials.....

2484—200M—2-48

46917—59

Dominion Succession Duty Act—*continued*

S.D. 1
SPECIAL

STATEMENT OF REAL AND PERSONAL PROPERTY WHEREVER SITUATED

19. INSTRUCTIONS:—(1) "Property" is defined by the Statute to include "all property, real or personal, movable or immovable, of every description, and every estate and interest therein or income therefrom capable of being devised or bequeathed by will or of passing on the death", and includes also the property mentioned in Section 3 of the Act.

(2) A "Succession" means every disposition of property by reason whereof any person has or shall become beneficially entitled to any property or the income thereof, upon the death of any person, and every devolution by law of any beneficial interest in property or the income thereof. "Successor" means the person entitled under a succession.

(3) The Executor, in his capacity as such, is liable for all duties in respect of all property administered by him, even though the "successor" be also liable for duty in respect of the property to which the "successor" is entitled. (Section 12 of the Act.)

(4) Any "person" who deals with the property of the deceased, as an executor de son tort (without legal authority) becomes liable for succession duties in the same manner as an Executor appointed by the will of the deceased.

20. List below Particulars of Property in order of Schedules successively answered "yes" in items 17 and 18 above. DESCRIPTION OF PROPERTY (stating encumbrances thereon)	In respect of any particular property inside columns may be made to show sub-totals within any schedule for example			Value at date of death	
(1)	(2) Gross value	(3) Specific encumbrances	(4) Total of specific encumbrances	$ (5)	c.

Dominion Succession Duty Act—*continued*

Page 1

This Form for use in estates of non-domiciled decedents only.

DOMINION OF CANADA **S.D. 1 - N.R.**

SUCCESSION DUTIES

(Form prescribed and authorized by The Minister of National Revenue who reserves the right to require full particulars of the property of the deceased, wheresoever situate.)

1. This statement is to be prepared in DUPLICATE. One copy is to be retained by the person filing the statement and one copy must be delivered or mailed postpaid, within six months of the death of the deceased, to The Deputy Minister of National Revenue for Taxation, Canadian Building, Slater Street, Ottawa, Canada, attention, Administrator of Succession Duties.

2. The information required by schedules A to H herein must be furnished and ALL QUESTIONS MUST BE ANSWERED.

3. This statement must have attached thereto a certified copy of the Last Will and Testament, if any.

4. Debts should be listed separately on Form S.D. 14.

5. IN THE MATTER OF THE ESTATE OF.....

6. Last address..... 7. Date of death.....

8. Former active occupation..... 9. Age at date of death.....

10. Matrimonial Status..... (Married, single, widowed, divorced, etc.) 11. If married, was the deceased in community of property?.....

12. Domicile at date of death..... 13. Citizenship at date of death.....

14. Did the deceased leave a Will?..... 15. Place of birth.....

16. Did the deceased file Canadian Income Tax Returns?.....If so, where?..... (state city)

17. Name and address of Executor, Administrator or other person making this statement. (State whether Executor, Administrator or Beneficiary.)

.....

.....

.....

18. Did the deceased die from wounds inflicted, accident occurring, or disease contracted while Canada was at war, and while on service with Canadian or allied forces?.....

19. If the deceased died on or after December 18, 1945, was any of the property situate in Canada taxed by Canada in a previous estate where the previous death occurred within five years of the death of this decedent?..... (If answer "Yes" give full particulars.)

20. I/WE HEREBY CERTIFY that I am / We are the Executor(s) / Administrator(s) / Beneficiary (ies) and as such have knowledge of the Succession Duty law requiring a full and complete disclosure of all property of every kind of the deceased, and in particular have read this Succession Duty Form, S.D. 1-NR, and that I/WE have inquired as to any property passing from the deceased prior to the date of death, more particularly referred to in Schedule F and according to the best of my/our knowledge, information and belief, this statement and attached schedules contain a full and complete disclosure of all property of every kind, whether within or without Canada, included in successions from the above-named deceased person, the whole being thus certified in accordance with the Dominion Succession Duty Act, as being "a full, true and correct statement".

Date.....19.....

21. Signature of authorized declarant(s): .....

.....

.....

22. Legal capacity or status of declarant(s): .....

Penalties

23. There are severe penalties for failure to file this statement within six months of the death of the deceased, for failure to disclose all property, assets or interests of every kind comprised in any succession or successions, for over-statement of debts, liabilities and expenditures herein or related hereto, or for any false statement of relationships or for any false statement whatsoever.

FOR DEPARTMENTAL USE

DUTY.....

S.D. 6 No..... Date.....19..... Assessor N.R.....H.O.....

46917—59½

Dominion Succession Duty Act—*continued*

Page 2

STATEMENT OF REAL AND PERSONAL PROPERTY WHEREVER SITUATED

All property, real and personal, movable or immovable, of every description, and every estate and interest therein or income therefrom capable of being devised or bequeathed by will or of passing on the death, including all the property mentioned in Section 3 of the Dominion Succession Duty Act, must be declared in the following schedules **at the fair market value at date of death.**

NOTE: **JOINT PROPERTY.**

The fair market value of property held jointly should be disclosed in the proper schedule depending on the class of asset and identified as such. For example, joint real estate should appear in schedule A and joint stock in schedule C, etc. In connection with all joint property the following information must be given in this form, or if necessary, by schedule annexed.

1. Date of creation of joint holding.
2. Name and relationship to the deceased of co-tenants.
3. By whom, and in what shares the purchase money of the entire holding was provided; and, if any part was provided by the deceased's wife, the exact source of her separate estate.
4. By whom, and in what shares the income from the entire holding was enjoyed.
5. Whether the deceased's interest in the joint holding passed on the deceased's death to the surviving co-tenants or belonged absolutely to the deceased and passed under his will or intestacy.

SCHEDULE A—REAL ESTATE

Did the deceased own, either in whole or in part, real estate:

1. Situate in Canada? (Answer Yes or No).....
2. Situate outside Canada? (Answer Yes or No).....

Give full particulars of real estate situate in Canada and total only for real estate situate outside Canada. Show encumbrances. Give any information available to substantiate value placed on Canadian real estate.	Assessed Value Canadian real estate	Value at date of death
	TOTAL	

SCHEDULE B—MORTGAGES AND AGREEMENTS FOR SALE

Did the deceased own Mortgages or Agreements for Sale secured by property:

1. Situate in Canada? (Answer Yes or No).....
2. Situate outside Canada? (Answer Yes or No).....

If question 1 is answered "Yes" give full particulars below. If question 2 is answered "Yes" give full particulars if mortgage deed or agreement was situate in Canada at date of death or if mortgagor or purchaser resided in Canada; otherwise give total only.	Principal owing at date of death	Interest accrued	Total
		TOTAL	

SCHEDULE C—STOCKS

Did the deceased own—

1. Shares, stock or debenture stock in companies organized under the laws of the Dominion of Canada or any of the provinces or territories thereof? (Answer Yes or No).....
2. Shares in companies organized outside Canada the share certificates for which were physically located in Canada at date of death? (Answer Yes or No).....
3. Debenture stock, registered stock, or inscribed stock of the Dominion of Canada or any province or political subdivision thereof which was registered in Canada? (Answer Yes or No).....
4. Other stocks or shares? (Answer Yes or No).....

If questions 1, 2 or 3 are answered "Yes" such stocks or shares must be described in detail below including certificate number, number of shares, class of stock, etc. If question 4 is answered "Yes" give total only.	Unit Value	VALUE
	TOTAL	

ALL QUESTIONS MUST BE ANSWERED **ATTACH SCHEDULES WHERE NECESSARY**

Dominion Succession Duty Act—*continued*

Page 3

SCHEDULE D—BONDS AND DEBENTURES

Did the deceased own—

1. Bonds or debentures of companies organized under the laws of the Dominion of Canada or any of the provinces or territories thereof? (Answer Yes or No).....
2. Inscribed or registered bonds or debentures issued by the Dominion of Canada or any province or political subdivision thereof which were inscribed or registered in Canada? (Answer Yes or No).....
3. Any other bonds or debentures? (Answer Yes or No).....

If questions 1 or 2 are answered "Yes" such bonds or debentures must be described in detail below including, par value, interest rate, maturity date, details of registration and certificate numbers. If question 3 is answered "Yes" give complete details of any bonds or debentures physically located in Canada at date of death and give total only for bonds or debentures physically located outside Canada.

——	Actual physical location at date of death	Unit value	Principal	Accrued interest	TOTAL
				TOTAL	

SCHEDULE E—BANK ACCOUNTS, CASH ON HAND, PROMISSORY NOTES AND BOOK DEBTS

Did the deceased have—

1. Money on deposit in a bank in Canada or cash on hand in Canada? (Answer Yes or No).....
2. Monies owing to him by any person residing in Canada, by promissory note, book debt, or otherwise? (Answer Yes or No).....
3. Other bank accounts, cash on hand, promissory notes, book debts, etc.? (Answer Yes or No).....

If questions 1 or 2 are answered "Yes" give complete details including, (a) in the case of bank deposits, name and location of bank and account number, (b) in the case of promissory notes, etc., the name and address of the debtor, particulars of interest, etc. If question 3 is answered "Yes", give total only.	Principal	Interest due and accrued	TOTAL
		TOTAL	

SCHEDULE F

GIFTS INTER VIVOS, INSURANCE, ANNUITIES, ETC., POWERS OF APPOINTMENT AND SETTLEMENTS

GIFTS INTER VIVOS—

(a) Did the deceased at any time, make any gifts—

1. Reserving to himself a life or other interest therein? (Answer Yes or No).....
2. Providing for himself any benefit by contract or otherwise? (Answer Yes or No).....
3. Not to his entire exclusion? (Answer Yes or No).....
4. In contemplation of death or made or intended to take effect after death? (Answer Yes or No).....

(b) Other than the above, did the deceased make any gifts within 3 years of his death but after April 29, 1941? (Answer Yes or No).....

If any of the above questions are answered "Yes" give full particulars hereunder including description of property and value at date of death.

	VALUE AT DATE OF DEATH

LIFE INSURANCE—

Was there payable on the deceased's death, insurance or like death benefits with Canadian companies, societies, etc.?

.....(Answer Yes or No). If answer is "Yes" give full particulars including physical location of policies at date of death and places where the policies provide that payment shall be made. Extend amount payable including dividends, etc.

Other than the above was there insurance payable on the deceased's death?.....(Answer Yes or No). If policies physically located in or payable in Canada, give full particulars, otherwise, give total only.

ANNUITIES, PENSIONS, GRATUITIES, ETC.—

Does any annuity or sum of money, otherwise than under the deceased's will, become payable on his death to any person? (Answer Yes or No).....

If answer is "Yes" give full particulars including name and address of payer, dates and terms of payments.

SUB-TOTAL.....

ALL QUESTIONS MUST BE ANSWERED **ATTACH SCHEDULES WHERE NECESSARY**

Dominion Succession Duty Act—*continued*

Page 4

SCHEDULE F—Con.

	VALUE AT DATE OF DEATH
Brought forward	

POWERS OF APPOINTMENT OR DISPOSAL—

1. Did the deceased at the time of death possess a power of appointment? (Answer Yes or No).....
2. Did the deceased, at any time, by will or otherwise, exercise or release (to any extent) a power of appointment? (Answer Yes or No).....

If either of the above questions are answered "Yes" give full particulars hereunder and attach to this form a certified copy of the deed or will creating the appointment and a detailed schedule of all assets subject to the appointment valued as at date of death.

SETTLEMENTS (including marriage settlements) AND LIFETIME TRUSTS—

1. Did the deceased at any time make any settlements reserving a life interest to himself or the right to reclaim all or any part of the settled property? (Answer Yes or No).....
2. Other than the above did the deceased make any settlements within 3 years of death but after April 29, 1941? (Answer Yes or No).....

If either of the above questions are answered "Yes" insert total and attach to this form a certified copy of settlement or trust deed and a detailed schedule of settled property valued at date of death.

Total value as per attached schedules	
TOTAL	

SCHEDULE G—OTHER PROPERTY

Furnish complete details in regard to property situate in Canada	VALUE	
	Situate in Canada	Situate outside Canada
Interests in Trusts or Estates		
Interests in partnerships or unincorporated businesses		
Miscellaneous property (not returnable under any other schedule)		
TOTALS		
In Canada		
GRAND TOTAL		

Summary

Total assets of deceased wheresoever situate	VALUE		VALUE
Schedule A		Brought forward	
Schedule B		Schedule E	
Schedule C		Schedule F	
Schedule D		Schedule G	
Carried forward		Gross Estate	
		LESS debts per S.D. 14 attached	
		Aggregate net value	

SCHEDULE H—DISTRIBUTION OF PROPERTY

Trace exact relationship of beneficiaries, other than those in direct line and brothers or sisters: e.g., nephew—child of sister, first cousin—child of sister of deceased's mother.

NAME (List all beneficiaries indicating any that predeceased the deceased)	RELATIONSHIP TO THE DECEASED	ADDRESS	DATE OF BIRTH of (a) life tenants (b) annuitants (c) children under 18 years of age	NATURE OF PROPERTY OR BENEFIT	VALUE

NOTE—In completing above schedule indicate nature and value of specifically devised property. If any insurance is payable to named beneficiaries indicate opposite each beneficiary's name the value of such insurance payable to him.

ALL QUESTIONS MUST BE ANSWERED **ATTACH SCHEDULES WHERE NECESSARY**

Dominion Succession Duty Act—*continued*

FORM S.D. 2.

DOMINION OF CANADA

SUCCESSION DUTIES

IN THE MATTER of the Estate of

late of the

deceased, who died on or about the day of 19 .

BOND BY EXECUTORS, ADMINISTRATORS, OR TRUSTEES

Know All Men by These Presents that

are jointly and severally bound unto His Majesty, the King, in the right of the Dominion of Canada, in the sum of $ to be paid to the Receiver General of Canada, and for which payment well and truly to be made they bind themselves and each of them for the whole and each of their heirs, executors, administrators, successors and assigns respectively by these presents.

The condition of the obligation is such that if the above named

and the executors of the will of the above named deceased or the administrators of the property of the above named deceased or the trustees in the estate of the above named deceased (or as the case may be) do faithfully perform within the time or times prescribed or granted for the performance thereof all the functions required by the Dominion Succession Duty Act to be performed by them, and, in particular, do pay the succession duty upon or in respect of the successions derived from the above named deceased so far as they are liable therefor within the time or times prescribed or granted for payment thereof;

Then this obligation shall be void and of no effect, otherwise the same to remain in full force and effect.

In witness whereof the above named has hereunto set his hand and seal, and the said Company has hereunto caused to be affixed its corporate seal attested by the hands of its proper officers in that behalf this

day of 19 .

Signed, Sealed and Delivered }
in the presence of }

(Form prescribed and authorized by the Minister of National Revenue)

Dominion Succession Duty Act—*continued*

FORM S.D. 3.

DOMINION OF CANADA

SUCCESSION DUTIES

IN THE MATTER of the Estate of

late of the

deceased, who died on or about the day of 19 .

BOND BY SUCCESSORS

Know All Men by These Presents that

of

and

Company are jointly and severally bound unto His Majesty, the King, in the right of the Dominion of Canada, in the sum of $, to be paid to the Receiver General of Canada, and for which payment well and truly to be made they bind themselves and each of them for the whole and their and each of their heirs, executors, administrators, successors and assigns respectively by these presents.

The condition of the obligation is such that if the above named a successor to property from the above named deceased as predecessor, do well and truly pay or cause to be paid to the Receiver-General of Canada all duty payable by him under the provisions of the Dominion Succession Duty Act within the time or times provided by the said Act or if the said

not having paid such duty within such time or times, do well and truly pay or cause to be paid to the Receiver General of Canada all such duty, together with any interest thereon, with such further time as may be granted for payment thereof, then this obligation shall be void and of no effect, otherwise the same to remain in full force and effect.

In witness whereof the above named has hereunto set his hand and seal, and the said Company has hereunto caused to be affixed its corporate seal attested by the hands of its proper officers in that behalf this

day of 19 .

Signed, Sealed and Delivered }
in the presence of }

(Form prescribed and authorized by the Minister of National Revenue)

Dominion Succession Duty Act—*continued*

NOTICE OF ASSESSMENTS
AVIS DE RÉPARTITIONS

DOMINION OF CANADA / DU CANADA

SUCCESSION DUTIES
DROITS SUCCESSORAUX

FILE NUMBER
DOSSIER NO.

S.D. 7
(REV. JUL. 1947)

ORIGINAL

1. DISTRICT

DATE MAILED
POSTÉ LE 19

2. ESTATE OF — SUCCESSION DE
ADDRESS AT DATE OF DEATH
ADRESSE À LA DATE DU DÉCÈS

3. TAKE NOTICE THAT DUTIES ARE HEREBY ASSESSED UPON THE "SUCCESSIONS" DERIVED FROM THE DECEASED IN THE AMOUNTS HEREINAFTER MENTIONED
PRENEZ AVIS QUE DES DROITS SONT PAR LES PRÉSENTES IMPOSÉS SUR LES "SUCCESSIONS" QUI PROVIENNENT DU *DE CUJUS* ET CE POUR LES MONTANTS CI-APRÈS DÉTAILLÉS

4. DATE OF DEATH — DATE DU DÉCÈS 19 — AGGREGATE NET VALUE / VALEUR NETTE GLOBALE $ — INITIAL RATE / TAUX INITIAL %
DUTY PAYABLE — DROIT EXIGIBLE LE 19

THIS NOTICE OF ASSESSMENT DOES NOT REFLECT ANY DEDUCTION OR RESULTING ADJUSTMENT OF INTEREST TO WHICH THE ESTATE MAY BE ENTITLED UNDER SECTION 11A OF THE DOMINION SUCCESSION DUTY ACT, OR ANY CREDIT ARISING UNDER THE CANADA-UNITED STATES OF AMERICA CONVENTION OR THE CANADA-UNITED KINGDOM AGREEMENT.

LE PRÉSENT AVIS DE RÉPARTITIONS NE RÉFLÈTE AUCUNE DÉDUCTION OU AJUSTEMENT D'INTÉRÊT Y AFFÉRENT AUQUEL LA SUCCESSION PEUT AVOIR DROIT EN VERTU DE L'ARTICLE 11A DE LA LOI FÉDÉRALE SUR LES DROITS SUCCESSORAUX, OU AUCUN CRÉDIT DÉCOULANT DE LA CONVENTION ENTRE LE CANADA ET LES ETATS-UNIS D'AMÉRIQUE OU DE LA CONVENTION ENTRE LE CANADA ET LE ROYAUME-UNI.

5. STATEMENT OF DISTRIBUTION AND DUTIES PAYABLE — ÉTAT DE LA DISTRIBUTION ET DES DROITS EXIGIBLES

(A) SUCCESSOR / SUCCESSEUR	(B) CLASS / CATÉGORIE	(C) Dutiable Value of Successions / Valeur Imposable des Successions	(D) Combined Rate / Taux Combiné	(E) AMOUNT OF DUTY / MONTANT DES DROITS
6. TOTAL SUCCESSIONS AND TOTAL DUTIES / TOTAL DES SUCCESSIONS ET DES DROITS		$		$

7. TOTAL DUTIES PAYABLE — TOTAL DES DROITS EXIGIBLES $
AMOUNT PAID ON ACCOUNT — MONTANT PAYÉ À COMPTE $
AMOUNT TRANSFERRED FROM — MONTANT TRANSFÉRÉ DE $ $
8. BALANCE DUE/OVER PAYMENT — SOLDE EXIGIBLE/PAIEMENT EN TROP $
AMOUNT TRANSFERRED TO — MONTANT TRANSFÉRÉ À $
9. INTEREST — INTÉRÊT PER ANNUM — PAR ANNÉE
INTEREST FROM — INTÉRÊT DE TO / À $
PENALTIES — AMENDES $
AMOUNT PAID — MONTANT PAYÉ $ $
10. AMOUNT PAYABLE OR REFUNDABLE / MONTANT EXIGIBLE OU REMBOURSABLE $
11. DEFERRED DUTY PAYABLE (SECTIONS 24 AND 28 OF THE ACT) / DROIT DIFFÉRÉ EXIGIBLE (ARTICLES 24 ET 28 DE LA LOI) — DATE PAYABLE / DATE DU PAIEMENT — AMOUNT / MONTANT
_____ 19 $
_____ 19 $
_____ 19 $
_____ 19 $
_____ 19 $
TOTAL PAYABLE / TOTAL À PAYER $

12. REMITTANCE SHOULD BE: 1. MADE PAYABLE TO THE RECEIVER GENERAL OF CANADA; 2. SENT WITH THIS FORM; 3. TO THE DOMINION SUCCESSION DUTIES OFFICE; 4. AT THE DISTRICT SHOWN IN ITEM 1.
TOUTE REMISE DOIT ÊTRE: 1. À L'ORDRE DU RECEVEUR GÉNÉRAL DU CANADA; 2. ACCOMPAGNÉE DE CETTE FORMULE; 3. ADRESSÉE AU BUREAU FÉDÉRAL DES DROITS SUCCESSORAUX; 4. DANS LE DISTRICT DÉSIGNÉ À L'ITEM 1.

13. ADDRESS ALL CORRESPONDENCE TO DOMINION SUCCESSION DUTIES OFFICE SHOWN IN ITEM 1.
ADRESSEZ TOUTE CORRESPONDANCE À CE SUJET AU BUREAU FÉDÉRAL DES DROITS SUCCESSORAUX DÉSIGNÉ À L'ITEM 1

V.W.T. SCULLY
DEPUTY MINISTER OF NATIONAL REVENUE FOR TAXATION
SOUS-MINISTRE DU REVENU NATIONAL POUR L'IMPÔT

46917—60

Dominion Succession Duty Act—*continued*

S.D. 9.

Not valid until signed by an Authorized Officer.

DOMINION OF CANADA

SUCCESSION DUTY ACT

CERTIFICATE OF DISCHARGE

Serial No.....

Date.....19....

IN THE MATTER of the Estate of

Who died on 19

This is to Certify:

That in respect of the above matter there is no claim outstanding for succession duties under the Dominion Succession Duty Act.

Issued to

In the capacity of

Dominion Succession Duties Office at .....

By.....
Authorized Officer

V. W. T. SCULLY,
Deputy Minister of National Revenue for Taxation.

NOTE.—This Certificate is issued pursuant to Section 35 of the Dominion Succession Duty Act. It is not valid in case of fraud or failure to disclose material facts.

Dominion Succession Duty Act—*continued*

S.D. 14
Rev. Dec. 1944
1170—100M—2-47

DOMINION OF CANADA
DEPARTMENT OF NATIONAL REVENUE
SUCCESSION DUTY DIVISION
(Form prescribed and authorized by the Minister of National Revenue)

In the matter of the estate of.....

late of.....deceased

SCHEDULE OF DEBTS

NOTE:—State first the debts that have been paid, then draw a line, and thereafter state the debts which have not been paid and reasons for non-payment thereof.

Any debt or encumbrance charged upon or payable out of any particular property of the estate shall be deducted from the value of that property under item 27 form S.D. 1. Such encumbrances should not appear in this schedule.

NAME AND ADDRESS OF CREDITOR	NATURE OF CLAIM	AMOUNT OF DEBT		REASONS FOR NON-PAYMENT OF DEBTS NOT PAID*
	TOTAL CARRIED FORWARD			

*Debts that are being contested or will be contested should be identified.

Dominion Succession Duty Act—*continued*

S.D. 14

SCHEDULE (CONCLUDED)

NAME AND ADDRESS OF CREDITOR	NATURE OF CLAIM	AMOUNT OF DEBT		REASONS FOR NON-PAYMENT OF DEBTS NOT PAID
	TOTAL BROUGHT FORWARD			
	TOTAL DEBTS.....			

I, hereby certify that I have made inquiries as to the debts and other allowances authorized by and in accordance with Section 8 of the Dominion Succession Duty Act and such debts, and other allowances in the estate of the above named deceased are set forth in the Schedule hereto.

Dated this.....day of.....19.....

Signature.....

Legal capacity of person making statement .....

Dominion Succession Duty Act—*continued*

DOMINION OF CANADA SUCCESSION DUTIES

SD 17
Rev. Mar. 1948
2477—50M—3-48

NOTICE OF PAYMENT OF INSURANCE, OR BENEFITS FROM BENEVOLENT OR FRIENDLY SOCIETIES, OR SUPERANNUATION BENEFITS.

TO THE MINISTER OF NATIONAL REVENUE:

The following particulars are submitted in compliance with subsection (2) of Section 49 of the Dominion Succession Duty Act in respect to payment made by the undernoted payor from amounts at credit of the deceased indicated:

FULL NAME OF DECEASED	DATE OF DEATH	LAST PLACE OF DOMICILE OF DECEASED

NAME OF PAYOR	ADDRESS OF PAYOR

NOTE—Payment of insurance moneys, benefits from benevolent or friendly societies and superannuation benefits in excess of $1,500 cannot be made without the written consent of the Minister of National Revenue or his representative. See Section 49 (2) of the Act.

AMOUNT OF PAYMENT	NAME AND ADDRESS OF PAYEE
DATE OF PAYMENT	

(GIVE PARTICULARS OF BENEFIT BELOW)

.....19.....
Date

.....
Official Signature of Payor

(Form prescribed and authorized by the Minister of National Revenue)

S. D. 18
Rev. Jan. 1948

DOMINION OF CANADA SUCCESSION DUTIES

NOTICE OF PAYMENT OF MONEYS IN BANKS, TRUST COMPANIES OR LOAN COMPANIES; OR OF SALARY, WAGES OR GRATUITIES

TO THE MINISTER OF NATIONAL REVENUE:

The following particulars are submitted in compliance with Sub-Section (3) of Section 49 of the Dominion Succession Duty Act, in respect to payment of moneys made by the undernoted payor from amounts at credit of the deceased:

FULL NAME OF DECEASED	DATE OF DEATH	LAST PLACE OF DOMICILE OF DECEASED

NAME OF PAYOR	ADDRESS OF PAYOR

TOTAL AMOUNTS AT CREDIT OF DECEASED AT DATE OF DEATH

Balance at Credit of Accounts.....$.....
Salary or Wages .....$.....
Gratuities .....$.....

NOTE:—Payment of moneys as mentioned above in excess of $500 cannot be made without the written consent of the Minister of National Revenue or his representative. See Section 49 (3) of the Act.

AMOUNT OF PAYMENT	NAME AND ADDRESS OF PAYEE
DATE OF PAYMENT	

Date.....

.....
AUTHORIZED OFFICER OF PAYOR

FORM PRESCRIBED AND AUTHORIZED BY THE MINISTER OF NATIONAL REVENUE

Dominion Succession Duty Act—*continued*

S.D. 30.

Not valid until signed by an Authorized Officer.

DOMINION OF CANADA

SUCCESSION DUTY ACT

CONSENT TO THE TRANSFER OF PROPERTY

Serial No.....

Date.....19....

(Not valid to release property, delivery of which is prohibited by Section 50 of the Act)

IN THE MATTER of the Estate of

Who died on 19

To All Persons:

Who may on consent "deliver, assign, transfer, pay or permit the delivery, assignment, transfer or payment of any property". TAKE NOTICE THAT CONSENT is hereby given to the delivery, assignment, transfer or payment of—

Dominion Succession Duties Office at .....

By.....
Authorized Officer

V. W. T. SCULLY,
Deputy Minister of National Revenue for Taxation.

Dominion Succession Duty Act—*continued*

S.D. 31.
Rev. Aug. 1948.



Not valid until signed by

(1) An Authorized Officer and
(2) The Agent of the Estate

DOMINION OF CANADA

SUCCESSION DUTY ACT

Serial No.....

CONSENT TO OPENING OF SAFETY DEPOSIT BOX OR OTHER DEPOSITORY

.....19....
Date presented to Custodian or Lessor

To the Custodian or Lessor of a Depository

IN THE MATTER of the Estate of—
(Name and Address)

Who died on 19 Consent is hereby given to the Custodian or Lessor of the following safety deposit box or depository to the opening thereof for the purpose of listing, but not removing, the contents—

And to the withdrawal, only, of the will of the deceased. State place, number and description of depository.

Date.....

For the Administrator or Director General
or Director of Succession Duties Signed by.....

At ..... Address.....

By ..... Representative
An Authorized Officer Capacity.....

V. W. T. SCULLY,
Deputy Minister of National Revenue for Taxation.

Dominion Succession Duty Act—*continued*

S.D. 32.

Not valid until signed by an Authorized Officer.

DOMINION OF CANADA

SUCCESSION DUTY ACT

Serial No.....

CONSENT TO WITHDRAWAL OF CONTENTS FROM A DEPOSITORY OR FROM SAFE CUSTODY

To ....
Custodian or Lessor Description of Depository

IN THE MATTER of the Estate of

Who died on 19

Consent is hereby given to the Custodian or Lessor of the above-mentioned Depository to permit the Executor, Administrator, the Legal Representative or his authorized Attorney or Agent to withdraw the following contents therefrom:

Date 19 .

Dominion Succession Duties Office at .....

By.....

Authorized Officer

V. W. T. SCULLY,
Deputy Minister of National Revenue for Taxation.

Dominion Succession Duty Act—*continued*

APPROVED TRUST COMPANIES

The Trust Companies hereby approved for the purpose of Regulation 8 are as follows:

The Acadia Trust Company
Barclays Trust Company of Canada
The British Mortgage & Trust Corporation of Ontario
The Brockville Trust & Savings Company
The Canada Permanent Trust Company
The Canada Trust Company
The Central Trust Company of Canada
Chartered Trust and Executor Company
Crown Trust Company
Custodian Trust Company Limited
The Eastern Trust Company
General Trust & Executor Corporation
General Trust of Canada
The Grey & Bruce Trust & Savings Company
Guaranty Trust Company of Canada
The Industrial Mortgage & Trust Company
The Lambton Trust Company Limited
Montreal Trust Company
Morgan Trust Company Limited
National Trust Company Limited
The Northern Trusts Company
The Nova Scotia Trust Company
Okanagan Trust Company
Osler & Nanton Trust Company
Ottawa Valley Trust Company
The Premier Trust Company
Prudential Trust Company Limited
The Royal Trust Company
Sherbrooke Trust Company
Société d'Administration et de Fiducie
Société Nationale de Fiducie
The Sterling Trusts Corporation
The Sun Trust Limited
The Toronto General Trusts Corporation
The Victoria Trust & Savings Company
The Waterloo Trust and Savings Company
The Western Trust Company
Yorkshire & Canadian Trust Company.

Dominion Succession Duty Act—*continued*

TABLES

The Tables hereby approved pursuant to Section 34 of the Act and referred to in Regulation 20 are as follows:

Table I

PRESENT VALUE OF DEFERRED GIFTS

No. of Years	Present Value	No. of Years	Present Value	No. of Years	Present Value
1	·96154	24	·39012	47	·15828
2	·92456	25	·37512	48	·15219
3	·88900	26	·36069	49	·14634
4	·85480	27	·34682	50	·14071
5	·82193	28	·33348	51	·13530
6	·79031	29	·32065	52	·13010
7	·75992	30	·30832	53	·12509
8	·73069	31	·29646	54	·12028
9	·70259	32	·28506	55	·11566
10	·67556	33	·27409	56	·11121
11	·64958	34	·26355	57	·10693
12	·62460	35	·25342	58	·10282
13	·60057	36	·24367	59	·09886
14	·57748	37	·23430	60	·09506
15	·55526	38	·22529	61	·09140
16	·53391	39	·21662	62	·08789
17	·51337	40	·20829	63	·08451
18	·49363	41	·20028	64	·08126
19	·47464	42	·19257	65	·07813
20	·45639	43	·18517	66	·07513
21	·43883	44	·17805	67	·07224
22	·42196	45	·17120	68	·06946
23	·40573	46	·16461	69	·06679
				70	·06422

Dominion Succession Duty Act—*continued*

Table II

Prescribed Standard of Mortality

Years of Age	Rate of Mortality	Years of Age	Rate of Mortality	Years of Age	Rate of Mortality
At Birth	·011310				
1	·005110	41	·004699	81	·093709
2	·003320	42	·005068	82	·100723
3	·002160	43	·005468	83	·108229
4	·001500	44	·005898	84	·116257
5	·001234	45	·006362	85	·124837
6	·001243	46	·006863	86	·134000
7	·001250	47	·007403	87	·143786
8	·001255	48	·007983	88	·154211
9	·001256	49	·008613	89	·165320
10	·001257	50	·009288	90	·177138
11	·001257	51	·010018	91	·189709
12	·001257	52	·010805	92	·203062
13	·001257	53	·011653	93	·217216
14	·001259	54	·012566	94	·232198
15	·001262	55	·013554	95	·248059
16	·001267	56	·014614	96	·264796
17	·001277	57	·015760	97	·283515
18	·001290	58	·016992	98	·305778
19	·001308	59	·018321	99	·331840
20	·001331	60	·019753	100	·362122
21	·001360	61	·021297	101	·397579
22	·001398	62	·022958	102	·438921
23	·001442	63	·024749	103	·487276
24	·001496	64	·026675	104	·542279
25	·001561	65	·028751	105	·610442
26	·001634	66	·030986	106	·690722
27	·001721	67	·033390	107	·800000
28	·001822	68	·035978	108	·833333
29	·001936	69	·038763	109	1·000000
30	·002065	70	·041758		
31	·002212	71	·044980		
32	·002377	72	·048444		
33	·002562	73	·052167		
34	·002763	74	·056167		
35	·002981	75	·060464		
36	·003216	76	·065081		
37	·003470	77	·070032		
38	.003742	78	·075349		
39	·004037	79	·081050		
40	·004356	80	·087161		

Dominion Succession Duty Act—*continued*

Table III

Present Value of Life Interests or Life Annuities

Years of Age	Values	Years of Age	Values	Years of Age	Values
At Birth	$22·30082	41	$16·71038	81	$5·08220
1	22·45817	42	16·46085	82	4·83199
2	22·47646	43	16·20648	83	4·58812
3	22·45337	44	15·94740	84	4·35075
4	22·40206	45	15·68370	85	4·12002
5	22·33313	46	15·41547	86	3·89602
6	22·25516	47	15·14287	87	3·67883
7	22·17416	48	14·86604	88	3·46848
8	22·08999	49	14·58511	89	3·26492
9	22·00245	50	14·30028	90	3·06805
10	21·91133	51	14·01172	91	2·87765
11	21·81646	52	13·71966	92	2·69343
12	21·71766	53	13·42430	93	2·51491
13	21·61479	54	13·12589	94	2·34129
14	21·50767	55	12·82464	95	2·17131
15	21·39617	56	12·52088	96	2·00311
16	21·28013	57	12·21484	97	1·83355
17	21·15942	58	11·90684	98	1·66145
18	21·03393	59	11·59717	99	1·48899
19	20·90354	60	11·28615	100	1·31763
20	20·76815	61	10·97413	101	1·14827
21	20·62767	62	10·66145	102	·98233
22	20·48200	63	10·34844	103	·82082
23	20·33109	64	10·03549	104	·66494
24	20·17487	65	9·72295	105	·51082
25	20·01331	66	9·41120	106	·36374
26	19·84638	67	9·10063	107	·22313
27	19·67402	68	8·79160	108	·16026
28	19·49627	69	8·48450		
29	19·31314	70	8·17972		
30	19·12463	71	7·87762		
31	18·93078	72	7·57859		
32	18·73166	73	7·28300		
33	18·52733	74	6·99119		
34	18·31791	75	6·70353		
35	18·10340	76	6·42033		
36	17·88383	77	6·14195		
37	17·65918	78	5·86865		
38	17·42949	79	5·60075		
39	17·19475	80	5·33852		
40	16·95504				

Dominion Succession Duty Act—*continued*

Table IV

Present Value of an Annuity for a Term Certain

No. of Years	Values	No. of Years	Values	No. of Years	Values
1	$ ·96154	36	$18·90828	71	$23·45626
2	1·88609	37	19·14258	72	23·51564
3	2·77509	38	19·36786	73	23·57273
4	3·62990	39	19·58448	74	23·62762
5	4·45182	40	19·79277	75	23·68041
6	5·24214	41	19·99305	76	23·73116
7	6·00205	42	20·18563	77	23·77996
8	6·73274	43	20·37079	78	23·82689
9	7·43533	44	20·54884	79	23·87201
10	8·11090	45	20·72004	80	23·91539
11	8·76048	46	20·88465	81	23·95711
12	9·38507	47	21·04294	82	23·99722
13	9·98565	48	21·19513	83	24·03579
14	10·56312	49	21·34147	84	24·07287
15	11·11839	50	21·48218	85	24·10853
16	11·65230	51	21·61749	86	24·14282
17	12·16567	52	21·74758	87	24·17579
18	12·65930	53	21·87267	88	24·20749
19	13·13394	54	21·99296	89	24·23797
20	13·59033	55	22·10861	90	24·26728
21	14·02916	56	22·21982	91	24·29546
22	14·45112	57	22·32675	92	24·32256
23	14·85684	58	22·42957	93	24·34861
24	15·24696	59	22·52843	94	24·37367
25	15·62208	60	22·62349	95	24·39776
26	15·98277	61	22·71489	96	24·42092
27	16·32959	62	22·80278	97	24·44319
28	16·66306	63	22·88729	98	24·46461
29	16·98371	64	22·96855	99	24·48520
30	17·29203	65	23·04668	100	24·50500
31	17·58849	66	23·12181		
32	17·87355	67	23·19405		
33	18·14765	68	23·26351		
34	18·41120	69	23·33030		
35	18·66461	70	23·39451		

Dominion Succession Duty Act—*concluded*

Table V

Soldiers' Estates

Age when killed Years	Normal expectation of life at time of death Years	Proportion of Duty To be paid	To be remitted
15	53·41	·2038	·7962
16	52·52	·2093	·7907
17	51·64	·2149	·7851
18	50·77	·2205	·7795
19	49·91	·2262	·7738
20	49·05	·2321	·7679
21	48·20	·2380	·7620
22	47·36	·2441	·7559
23	46·51	·2503	·7497
24	45·67	·2567	·7433
25	44·83	·2632	·7368
26	43·98	·2699	·7301
27	43·12	·2769	·7231
28	42·27	·2840	·7160
29	41·41	·2914	·7086
30	40·55	·2990	·7010
31	39·69	·3067	·6933
32	38·82	·3148	·6852
33	37·96	·3229	·6771
34	37·10	·3313	·6687
35	36·23	·3400	·6600
36	35·38	·3487	·6513
37	34·52	·3578	·6422
38	33·67	·3669	·6331
39	32·83	·3762	·6238
40	31·98	·3859	·6141
41	31·14	·3956	·6044
42	30·29	·4058	·5942
43	29·46	·4159	·5841
44	28·62	·4265	·5735
45	27·79	·4371	·5629
46	26·96	·4481	·5519
47	26·14	·4592	·5408
48	25·33	·4704	·5296
49	24·52	·4818	·5182
50	23·72	·4935	·5065
51	22·93	·5052	·4948
52	22·15	·5171	·4829
53	21·39	·5289	·4711
54	20·63	·5410	·4590
55	19·88	·5532	·4468
56	19·14	·5656	·4344
57	18·41	·5780	·4220
58	17·69	·5905	·4095
59	16·99	·6030	·3970
60	16·29	·6156	·3844
61	15·60	·6284	·3716
62	14·92	·6413	·3587
63	14·26	·6540	·3460
64	13·61	·6668	·3332
65	12·98	·6794	·3206
66	12·36	·6921	·3079
67	11·76	·7046	·2954
68	11·18	·7168	·2832
69	10·61	·7291	·2709
70	10·06	·7411	·2589
71	9·52	·7532	·2468
72	9·00	·7649	·2351
73	8·51	·7762	·2238
74	8·03	·7873	·2127
75	7·57	·7982	·2018

DOMINION TRADE AND INDUSTRY COMMISSION ACT, 1935. (1935, c. 59).

(NOTE: *The Dominion Trade and Industry Commission Act,* 1935, was repealed in December, 1949, by *The National Trade Mark and True Labelling Act* (1949 (2nd Session), c. 31), which substituted amended and revised provisions for those contained in sections sixteen to nineteen of the Act repealed. By section twenty of the *Interpretation Act* whenever any Act or enactment is repealed and other provisions are substituted by way of amendment, revision or consolidation, all regulations and orders made under the repealed Act or enactment shall continue good and valid, in so far as they are not inconsistent with the substituted Act or enactment, until they are annulled and others made in their stead.)

1. *Labelling of fur garments.*
2. *Marking material content on hosiery.*
3. *Standards for Babcock test bottles and pipettes.*
4. *Application of National Trade Mark to Babcock test bottles and pipettes.*

1. Regulations respecting the labelling of fur garments

P. C. 4636

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY the 13th day of September, 1949

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS the Director of Standards, Department of Trade and Commerce, reports that the Regulations respecting the Labelling of Fur Garments, established by Order in Council P.C. 2840 of 18th July, 1947, require clarifying amendment, and that it is desirable that the Regulations as so amended be consolidated as hereinafter set forth.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and by virtue of the powers conferred by The Dominion Trade and Industry Commission Act, 1935, is pleased to order as follows:—

1. The Regulations respecting the Labelling of Fur Garments, established by Order in Council P.C. 2840 of 18th July 1947, are hereby revoked; and

2. The following regulations entitled "Regulations Respecting the Labelling of Fur Garments" are hereby made and established in substitution for the regulations hereby revoked

REGULATIONS RESPECTING THE LABELLING OF FUR GARMENTS

1. In these Regulations,

(*a*) "blended", as applied to any fur, means that the surface of the fur has been treated by brushing with reagents to change its colour;

(*b*) "dealer" means any person engaged in the business of selling fur garments;

Dominion Trade and Industry Commission Act—*continued*

(*c*) "descriptive label" means anything that purports to designate or describe any fur in any garment, including label, display card, ticket or tag, whether attached to such garment or not, invoice, receipt, bill of sale or other trade document, and advertisement or poster;

(*d*) "fur" means the skin of any animal, whether furbearing, hair-bearing, or wool-bearing, that is not in the unhaired condition;

(*e*) "fur garment" means any coat, jacket, cape, detached cuff, detached collar, scarf, cap, hat, glove or muff, the whole or part of the outer surface of which is trimmed with fur or consists of fur;

(*f*) "origin", as applied to a fur, means the continent in which the pelt was removed from the animal;

(*g*) "pointed", as applied to a fur, means that hairs from any other peltry have been attached individually or in small groups to such fur;

(*h*) "tipped", as applied to any fur, means that individual hairs or small groups of hairs have been treated to change their colour;

(*i*) "true fur name", as applied to any fur, means the name set out in the Schedule hereto that is appropriate to that fur.

2. No dealer shall use a descriptive label in association with a fur garment unless the descriptive label is marked as required by these Regulations.

3. (1) A descriptive label used in association with a fur garment shall be marked clearly and legibly in accordance with the following requirements:

(*a*) it shall bear the true fur name for the fur in the garment as set forth in the Schedule hereto;

(*b*) if the fur in the garment has been dyed, blended, tipped or pointed, it shall so indicate;

(*c*) if the garment contains more than one kind of fur, it shall bear the true fur name for all the kinds of fur in the garment;

(*d*) if the garment is made of paws, necks, tails, bellies or other pieces of fur, or of used or second-hand fur, it shall so indicate.

(2) In Part I of the Schedule hereto, trade names used in the fur trade to designate particular furs are listed and, opposite each such trade name, the true fur name therefor. If any such trade name is marked on a descriptive label, the true fur name therefor shall also be marked clearly and legibly thereon either before or after the trade name, and may be marked in parentheses.

(3) In Part II of the Schedule hereto, true names of furs originating in the various continents of the world are listed.

(4) If, in any case, the Minister of Trade and Commerce is satisfied that the trade names, true fur names or origins listed in the Schedule hereto are inconsistent with or inadequate for designations in the fur trade, he may give such special directions or make such orders as he may deem necessary, in the circumstances.

Dominion Trade and Industry Commission Act—*continued*

4. No descriptive label used in association with a fur garment shall, by implication or otherwise, include a false indication of the origin of the fur in the garment; provided that correctly marking a descriptive label with a trade name and its true fur name in accordance with subsection (2) of section 3, without further reference to a country or continent of origin of the fur in the garment with which the descriptive label is associated, shall not be deemed to be a contravention of this section.

N. A. ROBERTSON,
Clerk of the Privy Council.

SCHEDULE

Part I—Fur Trade Names and True Fur Names

Fur Trade Name	*True Fur Name*
Alaskan Mouton	Sheared processed Lamb
Alaska Sable	Natural or Dyed Skunk
American Broadtail	Sheared processed Lamb
Artic Seal	Dyed Rabbit
Australian Seal	Dyed Rabbit
Baby Beaver	Dyed Rabbit
Baffin Seal	Dyed Rabbit
Baltic Fox	Dyed Rabbit
Baltic Leopard	Dyed Rabbit
Baltic Seal	Dyed Rabbit
Baltic Tiger	Dyed Rabbit
Bay Seal	Dyed Rabbit
Beaverette	Dyed Rabbit
Belgium Beaver	Dyed Rabbit
Belgium Lynx	Dyed Rabbit
California Mink	Ringtail Cat or Bassarisk
Chinese Lynx	Dyed Chinese Dog or Chinese Rabbit
Chinese Wolf	Chinese Dog
Electric Beaver	Dyed Rabbit
Electric Seal	Dyed Rabbit
Erminette	Dyed Rabbit
Fox Lapaw Seal	Fox Paw
French Beaver	Dyed Rabbit
French Chinchilla	Dyed Rabbit
French Leopard	Dyed Rabbit
French Sable	Dyed Rabbit
French Seal	Dyed Rabbit
Genet	Dyed or Natural Cat
Glo Seal	Dyed Rabbit
Hudson Bay Sable	North American Marten
Hudson Seal	Dyed Muskrat
Lapin	Dyed Sheared Rabbit
Laskin Beaver	Sheared Processed Lamb
Laskin Mouton	Sheared Processed Lamb
Lincoln Lamb	Sheared Processed Lamb
Manchurian Fox	Dyed Chinese Dog
Manchurian Wolf	Dyed Chinese Dog
Marmink	Dyed Marmot
Mendoza Beaver	Dyed Rabbit
Moline	Dyed Rabbit

Dominion Trade and Industry Commission Act—*continued*

Fur Trade Name	*True Fur Name*
Moufflon	Goat
Mountain Sable	Dyed Ringtail Cat or Dyed Bassarisk
Near Seal	Dyed Rabbit
Nordic Seal	Dyed Rabbit
Northern Seal	Dyed Rabbit
Nubian Seal	Dyed Rabbit
Nutria Seal	Dyed Nutria
River Mink	Muskrat
Russian Leopard	Dyed Rabbit
Russian Marten	Dyed Opossum
Russian Seal	Dyed Rabbit
Sable Fox	Dyed Red Fox
Sealine Seal	Dyed Rabbit
Siberian Seal	Dyed Rabbit
South American Beaver	Nutria
Squirrel Sable	Dyed Squirrel
Squirrellette	Dyed Rabbit
Squirreline	Dyed Rabbit
Super Seal	Dyed Rabbit
Twin Beaver	Dyed Rabbit
Vicrina Fox	Dyed Sheep
Wolf Fox	Dyed Dogskin

SCHEDULE

Part II—True Names of Furs and Their Continents of Origin

Africa

Fox	Lamb	Otter
Gazelle	Persian Lamb	Seal
Hyena	Leopard	Sheep
Jackal	Monkey	

Asia

Angora	Fitch	Lynx	Raccoon
Astrachan	Fox	Marmot	Sable
Badger	Goat	Baum Marten	Fur Seal
Bear	Hare	Marten	Sheep
Broadtail	Hyena	Mink	Solongoi
Burunduki	Jackal	Mole	Squirrel
Calf	Kid	Moufflon	Flying Squirrel
Caracul	Kolinsky	Otter	Susliki
Lynx Cat	Lamb	Pahmi	Tibetine
Cheetah	Chinese Lamb	Peschaniki	Weasel
Chinese Civet	Persian Lamb	Pony	Wolf
Dog	Lasky	Rabbit	Wolverine
Ermine	Leopard		

Australia

Fox, Red	Lamb	Sheep
Hare	Opossum	Wallaby
Kangaroo	Ringtail Opossum	Wallaroo
Koala	Rabbit	Wombat

Dominion Trade and Industry Commission Act—*continued*

Europe

Badger
Bear
Burunduki
Calf
Caracul
House Cat
Spotted Cat
Wild Cat
Ermine
Fitch
Fox
Hamster
Hare
Jackal
Krimmer
Lamb
Lynx
Marmot
Baum Marten
Stone Marten
Mink
Muskrat
Mole
Otter
Peschaniki
Pony
Rabbit
Sable
Sheep
Squirrel
Susliki
Weasel
Wolf
Wolverine

North America

Badger
Bear
Beaver
House Cat
Lynx
Wild Cat
Chipmunk
American Civet
Coyote
Fisher
Fox
Goat
Hare
Jaguar
Lamb
Lynx
Marten
Mink
Muskrat
Mole
Opossum
Otter
Rabbit
Raccoon
Ringtail Cat or Bassarisk
Fur Seal
Hair Seal
Wool Seal
Sea Otter
Sheep
Skunk
Squirrel
Weasel
Wolf
Wolverine

South America

Spotted Cat
Chinchilla
Fox
Guanaco
Guanaquito
Jackal
Jaguar
Lamb
Llama
Marmoset
Nutria
Ocelot
Opossum
Otter
Rabbit
Seal
Sheep
Skunk
Viscacha

2. Regulations for marking material content on hoisery

P.C. 3477

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, the 9th day of August, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the provisions of section 17A of The Dominion Trade and Industry Commission Act, 1935, 25-26 George V, chapter 59, is pleased to order as follows:

Dominion Trade and Industry Commission Act—*continued*

1. The Regulations for marking the material content on hosiery, established by Order in Council P.C. 1975 of 27th July, 1939, as amended, are hereby revoked, and

2. The following Regulations for Marking Material Content on Hosiery are hereby made and established in substitution for the Regulations hereby revoked:

REGULATIONS FOR MARKING MATERIAL CONTENT ON HOSIERY

1. In these Regulations, unless the context otherwise requires,

(*a*) "cotton" means the product made from the fibrous material of the cotton plant;

(*b*) "hosiery" includes all types and kinds of socks, stockings, anklets, and goods of a similar nature, seamless, full-fashioned and produced or sold in Canada.

(*c*) "linen" means the product made from the fibrous material of the flax plant;

(*d*) "material content" means the fibre, yarn, thread, strand or fabric composed of any textile fibre or a combination of two or more of them;

(*e*) "rayon" means the textile fibre or yarn produced chemically from cellulose or with a cellulose base;

(*f*) "silk" means natural silk the product from the cocoon of the silk worm;

(*g*) "superimposed decoration" means any design or decoration consisting of one or more threads which, in the knitting of any part of the hosiery, is superimposed upon the structural fabric of such part by the knitting machine in the knitting operation, or any design or decoration embroidered on the fabric either by hand or by machine after the knitting operation has been completed;

(*h*) "wool" means the product from the fleece of a sheep or lamb, angora goat, camel, or other like natural animal fibre;

(*i*) "nylon" means a textile fibre or yarn made from chemically produced protein-like materials known as "polyamides".

2. No one shall sell, offer for sale, or distribute hosiery which is marked with a false or misleading description of the material content.

3. (1) Hosiery sold or offered for sale in Canada, if marked with a description of the material content shall be marked in accordance with these Regulations.

(2) Hosiery, if marked with the material content, shall be so marked on at least one stocking of each pair.

4. If a description of the material content of hosiery sold or offered for sale in Canada is marked on tickets, labels or boxes, or if hosiery is offered for sale by signs or advertisement giving a description of the material content, the description must be the same as if the marking had been placed on the hosiery.

Dominion Trade and Industry Commission Act—*continued*

5. If hosiery is composed of only one material content the material content, if described, shall be described as follows:

(*a*) (i) Hosiery composed wholly of silk (splicing, sole, welt, seaming and looping threads and elastic webbing excluded) may be designated as "Silk", "Pure Silk", "Pure Dye Silk", "Pure Thead Silk" or "Real Silk", provided no metallic weighting material is used;

(ii) If metallic weighting material is used, such hosiery must be designated as "weighted silk".

(*b*) Hosiery composed wholly of wool (seaming and looping threads and elastic webbing excluded), may be designated as "Wool", "All Wool", "Pure Wool", "100 per cent Wool", provided that a tolerance of 3 per cent by weight is allowable and that the hosiery may not be described with such terms unless the hosiery is composed of at least 97 per cent wool;

(*c*) Hosiery composed wholly of rayon (heel, sole and toe splicing, welt, seaming and looping threads and elastic webbing excluded) may be designated as "Rayon";

(*d*) Hosiery composed wholly of cotton (elastic webbing excluded) may be designated as "Cotton", "All Cotton" or "Pure Cotton";

(*e*) Hosiery composed wholly of nylon (heel, sole and toe splicing, welt, seaming and looping threads and elastic webbing excluded) may be designated as "Nylon", "Pure Nylon" or "All Nylon".

6. If the material content of hosiery is composed of a mixture or combination of two or more textile fibres which are not covered by a description in section 5 preceding, the material content, if described, shall be described as follows:

By accurately designating and naming each constituent fibre in the order of its predominance by weight, beginning with the largest single constituent, and in letters of equal size; provided, however, that if three fibres are used and one is 5 per cent or less of the hosiery by weight, only the two major fibre contents need be given. For example: in hosiery composed by weight of wool 50 per cent; silk 25 per cent and rayon 25 per cent, the description would be "Wool Silk, Rayon", but if the hosiery is composed of wool 50 per cent, silk 45 per cent and cotton 5 per cent, the description would be "Wool and Silk".

7. Descriptive terms such as "botany", "lisle", "mercerized", "crepe", "chiffon", shall not be used except in combination with the description of the fibres; for example, "botany wool", "lisle cotton", "mercerized cotton", "rayon crepe", "silk chiffon".

8. No words, descriptive of or implying or suggesting a textile fibre content, may be used except in combination with the word or words authorized by these regulations to be used in describing the actual fibre content.

9. (1) The material content of clocks, trim, stripes, and any other kind of decorations, which are superimposed either during the knitting of the hosiery or thereafter, need not be taken into account in the calculation of the material content for marking unless they constitute over 5 per cent of the total weight.

Dominion Trade and Industry Commission Act—*continued*

The material content of such clocks, trim, stripes or other kinds of decoration must not be described on the hosiery unless identified with the clocks, trim, stripes, or other kinds of decoration; for example "silk clock", "rayon stripe". The description of any such decoration shall be in one line and of one type.

(2) The material content of clocks, trim, stripes, or other kinds of decorations, which are knitted into the fabric of the stocking as an integral part thereof, shall be described in accordance with the preceding sections of these Regulations.

10. Elastic threads and elastic webbing shall not be considered as material content.

11. The character of marking on a given style of hosiery shall be based on the weights of the average size as follows:

Women's Hosiery	Size	$9\frac{1}{2}$
Misses' hosiery	"	9
Men's hosiery	"	11
Boys' half hose and anklets	"	9
Boys' golf hosiery	"	10
Children's hosiery	"	8
Infants' hosiery	"	5

12. All markings covered by these Regulations, except those relating to superimposed decorations, shall be in the same type.

N. A. ROBERTSON,
Clerk of the Privy Council.

3. Regulations prescribing standards for Babcock Test Bottles and Pipettes

P.C. 3173

AT THE GOVERNMENT HOUSE AT OTTAWA

MONDAY, THE 9TH DAY OF AUGUST, 1948

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and under authority of Section 17A of The Dominion Trade and Industry Commission Act, 1935, 25-26 George V, chapter 59, is pleased to prescribe and doth hereby prescribe the standards of quality set forth in the following regulations respecting Babcock Test Bottles and Pipettes:

Dominion Trade and Industry Commission Act—*continued*

REGULATIONS RESPECTING BABCOCK TEST BOTTLES AND PIPETTES

Application

1. These regulations shall apply only to Babcock Test bottles and Babcock pipettes to which the national trade mark "Canada Standard" or "C.S." is applied pursuant to regulations prescribed by the Minister of Trade and Commerce.

2. For the purpose of these regulations, "Babcock Test bottle" or "Babcock pipette" means, respectively, a glass bottle or a glass pipette which is suitable for use as a measure in the determination of the percentage of fat in milk and milk products by the Babcock method.

General Requirements Applicable to Bottles and Pipettes

3. (1) Each Babcock Test bottle and Babcock pipette shall conform to the following requirements:

(*a*) the glass shall be colourless and transparent, be free from striae, bubbles and occlusions which might affect its serviceability, be adequately resistant to chemical action and have small thermal hysteresis;

(*b*) the apparatus shall have been thoroughly annealed and allowed to cool slowly for twenty-four hours before being graduated.

(2) Each Babcock Test bottle and Babcock pipette shall bear

(*a*) a registered trade mark or the name of a manufacturer or dealer, and

(*b*) such specific marks as are elsewhere required by these regulations, applied clearly and legibly by sand-blasting, etching or engraving.

Detailed Requirements applicable to Bottles

TYPES

4. Every Babcock Test bottle shall be one of the following types:

Type "A"—known commercially as an 8 per cent, 18 gram, short neck (six inch) milk test bottle.

Type "B"—known commercially as a 50 per cent, 9 gram, short neck (six inch) cream test bottle.

Type "C"—known commercially as a 50 per cent, 9 gram, long neck (nine inch) cream test bottle.

Type "D"—known commercially as a 50 per cent, 18 gram, long neck (nine inch) cream test bottle.

Type "E"—known commercially as a 50 per cent, 18 gram, short neck (six inch) cream test bottle.

Specifications

5. Every Babcock Test bottle shall conform to the following specifications:

(*a*) *graduation*: all bottles shall be so graduated that each one per cent interval at 20°C will represent a volume of 0·2 ml. if it is of type "A", "D" or "E", and a volume of 0·1 ml. if it is of type "B" or "C";

Dominion Trade and Industry Commission Act—*continued*

(*b*) *bulb*: the bulb of any bottle shall

(i) have a capacity of not less than 45 ml. or more than 55 ml. below the junction of the neck;

(ii) be either cylindrical or conical in shape, with the smallest diameter at the bottom;

(iii) if cylindrical, have an outside diameter between 34 and 36 mm;

(iv) if conical, have an outside diameter at the base between 31 and 33 mm. and a maximum diameter between 35 and 37 mm;

(*c*) *neck*: the neck shall be cylindrical for at least 5 mm. beyond each end of the graduated portion, and the top shall be flared so as to have a diameter of not less than 10 mm;

(*d*) *height, graduation and charge*: each bottle shall, according to its type, conform to the following table in respect of its maximum and minimum height, the total range of its graduations, the minimum length of its graduated portion, the equivalent of interval between adjacent graduations, the percentages that are to be indicated by numbers and the charge to be indicated on the bottle:

	Type				
	"A"	"B"	"C"	"D"	"E"
Maximum overall height—in mm.	165	165	230	230	165
Minimum overall height—in mm.	150	150	210	210	150
Total range indicated by graduations	8%	50%	50%	50%	50%
Minimum length of graduated portion—in mm.	63·5	63·5	120	120	63·5
Equivalent of interval between adjacent graduations	0·1%	0·5%	0·5%	0·5%	0·5%
Percentages to be indicated by numbers	Each 1%	Each 5%	Each 5%	Each 5%	Each 5%
*Charge of bottle—grams	18	9	9	18	18

*To be marked at top of neck.

(*e*) *maximum permissible errors*: no graduation mark shall be in error by more than the equivalent of the required interval between it and the next adjacent graduation mark;

(*f*) *graduation marks*: the graduation marks and numbers on all bottles shall be as follows:

(i) the minimum length of any required graduation mark shall be 3 mm;

(ii) on any bottle of type "A", the graduation marks corresponding with 0·5 per cent shall be 1 mm. longer than those corresponding with 0·1 per cent and project 1 mm. to the left; and the marks corresponding with 1·0 per cent, being numbered marks, shall extend halfway around the neck to the right and project 2 mm. to the left of the mark corresponding with 0·1 per cent;

Dominion Trade and Industry Commission Act—*continued*

(iii) on any bottle of type "B", "C", "D" or "E", the graduation marks corresponding with 1·0 per cent shall be 2 mm. longer than those corresponding with 0·5 per cent and project 2 mm. to the left; and the marks corresponding with 5·0 per cent, being numbered marks, shall extend half way around the neck to the right and project 4 mm. to the left of the marks corresponding with 0·5 per cent;

(iv) on all bottles, the numbers shall be placed immediately to the left of the marks to which they relate and shall not encroach on any graduation mark.

Detailed Requirements Applicable to Pipettes

6. Every Babcock pipette shall conform to the following specifications:

(*a*) *dimensions and delivery time*:

(i) the total length shall not exceed 330 mm;

(ii) the outside diameter of the suction tube shall be from 6 mm. to 8 mm.;

(iii) the length of the suction tube shall be from 125 mm. to 135 mm.;

(iv) The outside diameter of the delivery tube shall be from 4·5 mm. to 5·5 mm.;

(v) the length of the delivery tube shall be from 100 mm. to 120 mm.;

(vi) the distance of the graduation mark above the bulb shall be from 15 mm. to 45 mm.;

(vii) the delivery time shall be from 5 to 8 seconds;

(*b*) *calibrated volume*: the pipette shall be calibrated to contain 17·6 ml. of water at 20°C with a tolerance of 0·05 ml.;

(*c*) *jet*: the jet shall be made with a gradual taper which, at the extreme end, shall be slight so that there is no sudden constriction at the orifice; and the end of the jet shall be fire polished and made square with the axis of the pipette;

(*d*) *graduation mark*: the graduation mark shall be a fine, clearly etched, permanent line of uniform thickness, carried completely around the suction tube and lying in a plane perpendicular to the axis of the pipette;

(*e*) *inscriptions*: in addition to a registered trade mark or the name of the manufacturer or dealer, each pipette shall bear the inscriptions "T.C.," "17·6 ml." and "20°C.".

N. A. ROBERTSON,
Clerk of the Privy Council.

4. Regulations *re* application of the National Trade Mark to Babcock Test Bottles and Pipettes

Under the provisions of The Dominion Trade and Industry Commission Act, 1935, the regulations hereinafter set forth are hereby made.

Dated at Ottawa, August 9, 1948.

C. D. HOWE,
Minister of Trade and Commerce.

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Dominion Trade and Industry Commission Act—*concluded*

REGULATIONS RESPECTING APPLICATION OF THE NATIONAL TRADE MARK TO BABCOCK TEST BOTTLES AND PIPETTES

1. In these regulations,

(*a*) "Babcock Test bottle" or "Babcock pipette" means, respectively, a glass bottle or a glass pipette which is suitable for use as a measure in the determination of the percentage of fat in milk and milk products by the Babcock method and which conforms to the requirements of Order in Council P.C. 3173 of August 9, 1948;

(*b*) "national trade mark" means the words "Canada Standard" or the initials "C.S."

2. The national trade mark may only be applied to a Babcock Test bottle or Babcock pipette by applying thereto the initials "C.S." in the following manner:

(*a*) each such bottle and pipette to which it is desired to apply such mark shall be submitted to the Director of Standards, Department of Trade and Commerce, Ottawa, for verification of its conformity with the requirements of the said Order in Council;

(*b*) when so verified, the initials "C.S." shall be etched on or applied by chemical or abrasive means to the bottle or pipette by or under direction of the Director of Standards.

DOMINION WATER POWER ACT. (R.S.C., 1927, c. 210)

The Dominion Water Power Regulations

P.C. 4683

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 19th day of November, 1947.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

WHEREAS it is desirable to amend the Dominion Water Power Regulations for administering all Dominion water-powers and such of the lands of the Dominion as may be required in the development, operation and use thereof, and to consolidate such Regulations as amended;

NOW, THEREFORE, HIS EXCELLENCY the Governor General in Council, on the recommendation of the Minister of Mines and Resources and pursuant to the provisions of the Dominion Water Power Act, Chapter 210, Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Dominion Water Power Regulations established by Order in Council P.C. 4034 of October 31, 1921, as amended, are hereby revoked; and

2. The attached "The Dominion Water Power Regulations" are hereby made and established in substitution for the Regulations hereby revoked.

N. A. ROBERTSON,
Clerk of the Privy Council.

Dominion Water Power Act—*continued*

THE DOMINION WATER POWER REGULATIONS

DEFINITION OF TERMS

Definitions

1. In these regulations unless the context otherwise requires,—

"Act"

"Act" means the Dominion Water Power Act (210, R.S.C., 1927);

"Actual construction"

"Actual construction" means and shall include any necessary and authorized work carried on in pursuance of these regulations, and shall ordinarily include—

(i) engineering investigations and reports,
(ii) the clearing of lands,
(iii) the construction of roads or railways,
(iv) stream improvements,
(v) other essential work undertaken solely in the construction of works authorized and not used independently as a source of profit;

but shall exclude—

(i) promotion work,
(ii) the underwriting, sale, or disposal of stocks and bonds,
(iii) the general administrative or directive functions which are exercised by officers of the company or other persons at some distance from the actual scene of operations;

"Actual cost"

"Actual cost" of any development or works means the actual legitimate cost of such development or works in use and useful for the purposes of the undertaking at the time that any particular inquiry is being made; and shall ordinarily include—

(i) the cost of engineering services appertaining to the construction of such development and works,
(ii) interest during construction,
(iii) taxes and insurance during construction,
(iv) contractor's profit,
(v) the purchase of equipment,
(vi) the cost of roads, railways, clearings, or other essential works undertaken and carried on solely in the construction of such development or works and not independently profitable,
(vii) such other expenditures as are necessary and inherent items of construction;

but shall in no case include—

(i) promotion expenses,
(ii) the cost of underwriting, selling, or disposing of stocks and bonds,[1]
(iii) head office and other expenditures relating to general administration exercised at some distance from the development or works which are not necessary and inherent parts of the construction expenditures;

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[1]It is to be understood that the necessary costs of promoting and organizing the enterprise and of providing capital otherwise than as included in the above are to be met by amortization during the term of the licence. See Sections 48 (13) and 49 (1).

Dominion Water Power Act—*continued*

"Applicant"

"Applicant" means any person who or body corporate which has filed an application for a licence under these regulations, and shall include any permittee or interim licensee;

"Approved"

"Approved"—See "Directed";

"Department"

"Department" means Department of Mines and Resources;

"Development"

"Development"—See under "Works";

"Directed, required, etc."

"Directed", "required", etc. The words "directed", "required", "permitted", "ordered", or words of like import, mean respectively the direction, requirement, permission or order of the Minister or of the Director as the case may be, and similarly, the words "approved", "acceptable", "satisfactory", or words of the like import, mean respectively "approved by or acceptable or satisfactory to the Minister or Director";

"Director"

"Director" means Director of Water Power and, for the purposes of these regulations, shall be the Controller and Chief Engineer for the time being of the Dominion Water and Power Bureau of the Department, or the official acting lawfully on his behalf.

"Dominion lands"

"Dominion lands"—See "Lands of the Dominion";

"Dominion water-powers"

"Dominion water-powers" as defined in the Act, means any water-powers on lands of the Dominion, or any other water-powers, which are the property of Canada and which have been or may be placed under the control and management of the Minister of Mines and Resources;

"Exchequer Court"

"Exchequer Court" means the Exchequer Court of Canada;

"Final licence"

"Final licence"—See "Licence";

"Final licensee"

"Final licensee"—See "Licensee";

"Initial power development"

"Initial power development" or "initial development"—See under "Works";

"Inter-connected system"

"Inter-connected system"—See under "Works";

"Interim licence"

"Interim licence"—See "Licence";

"Interim licensee"

"Interim licensee"—See "Licensee";

Dominion Water Power Act—*continued*

"Lands of the Dominion"

"Lands of the Dominion" as defined in the Act, means any Crown lands or any interest in any lands which are the property of Canada and any other lands or any interest therein which have been or may be placed under the control and management of the Minister of Mines and Resources;

"Licence"

"Licence"—Two kinds of licences are referred to, namely,—

"Interim licence"

"Interim licence" means a licence authorizing the preparation of general construction plans and the construction of works in pursuance of such plans, as more particularly set out in sections 18 and 19;

"Final licence"

"Final licence" means a licence authorizing the diversion, use, or storage of water for power purposes, or the transmission and distribution of water-power, as more particularly set out in sections 43 and 44;

"Licensee"

"Licensee"—Two classes of licensees are referred to, namely,—

"Interim licensee"

"Interim licensee" means the lawful holder of an interim licence;

"Final licensee"

"Final licensee" means the lawful holder of a final licence;

"Minister"

"Minister" means the Minister of Mines and Resources and shall include the deputy of the Minister, the successor in office for the time being of the Minister or such deputy, and the duly appointed representative of such Minister or successor;

"Notice"

"Notice" means a written notice. Any notice which is required to be given or served, or which the Minister may desire to give or serve upon any person in respect of these regulations, shall be considered to have been validly given or served if mailed by registered mail to such person addressed to his last-known address or, if left at the said address. A notice sent by post shall be deemed to be given when in due course of post it would be delivered at the address to which it was sent;

"Permittee"

"Permittee" means the holder of a priority permit under these regulations;

"Plans"

"Plans"—Four terms, representing four kinds of plans, are used, namely,—

"Preliminary"

"Preliminary sketch plan" means the preliminary plan or sketch filed by the applicant with his initial application, (See para. *"l"* of section 3.)

Dominion Water Power Act—*continued*

"General layout"

"General layout plans" means the plans which must be filed by the applicant before an interim licence may be issued, and which are to aid the Department in determining whether the proposed undertaking is feasible and practicable and in the public interest. (See sections 12 and 13.)

"General construction"

"General construction plans" means the plans of the works which must be approved by the Department before the interim licensee is permitted to commence the construction of the power development. (Sections 21 to 23.)

"Final construction"

"Final construction plans" means the plans of the power development or power system as actually constructed, and shall in every case include plans of the lands as finally occupied to conform with the requirements of section 24. (Section 35);

"Priority permit"

"Priority permit" means a permit granting certain priority in the consideration of an application as provided in sections 14 to 16.

"Regulations"

"Regulations" means the regulations herein set out, and shall include any regulations in force for the granting and administering of the Dominion water-powers and of the lands required in connection with the development and use thereof;

"Required"

"Required"—See "Directed";

"Severance line"

"Severance line" means the line within which, in the event that the licence should ever be terminated either by the failure to renew it upon the expiry of the term, or by voidance, cancellation, or any other legal process, the lands, works, and properties used or useful in connection with the undertaking should be considered as essentially tributary to the power or storage development, and outside of which such lands, works, and properties should be subject to be taken over on a different basis;

"Stream"

"Stream" or "Water" as defined in the Act, means and shall include any river, brook, lake, pond, creek, or other flowing or standing water;

"Survey permit"

"Survey permit" means a permit to make surveys as provided in sections 7 and 8 of these regulations;

"System"

"System"—See under "Works";

"Undertaking"

"Undertaking" as defined in the Act, means the undertaking required or proposed to be established or carried on in pursuance of this Act or of the regulations by His Majesty or by any applicant, licensee or

Dominion Water Power Act—*continued*

person in the development of any Dominion water-power or in the transmission, distribution or utilization of the force or energy produced from such water-power; and shall include, in so far as authorized or required in any case,—

(i) the storage, pondage, penning back, regulation, augmentation, carriage, diverson and use of water or of the flow thereof;

(ii) the generation of energy at any plant which is used as an auxiliary to the water power plant;

(iii) the surveying, the laying out, the constructing, the maintaining and the operating of works, including dams, flumes, pen-stocks, power stations, transmission lines, terminal stations and sub-stations;

(iv) the surveying of any lands of the Dominion or other lands, the carrying on of investigations, and the collection of data;

(v) the acquisition and use of lands and properties or any interest therein;

(vi) the administration and management of the required lands, works and properties; and the business connected therewith;

(vii) matters incidental to any of the foregoing;

"Water-power"

"Water-power" as defined in the Act includes any force or energy of whatever form or nature contained in or capable of being produced or generated from any flowing or falling water in such quantity as to make it of commercial value;

"Works"

"Works" with reference to any power-development, power-system, undertaking, etc., means all the physical structures, devices, equipment, appliances, appurtenances and things whatsoever, authorized or required to be constructed, maintained, or operated by the applicant or licensee in respect of such power-development, power-system, undertaking, etc.

Six terms, representing six stages of development in the works are used, namely,—

(*a*) *"Power development"*

"Power development" or "development," means the physical structures within the severance line required for the storage or use of the stream-waters, for the production of power therefrom, and for the transmission thereof, and shall ordinarily include the dams or other diversion works, the power-house, the conduits conducting water thereto, the transmission lines within the severance line, and all hydraulic or electrical machinery, appliances, fixtures, equipment, appurtenances and lands and rights of way required in connection therewith, also clearings, roads, trails, and railways insofar as required to be constructed and still used and useful in connection therewith and not independently profitable;

(*b*) *"Storage development"*

"Storage development" or "development" means the physical structures within the severance line required for the storage of the stream-waters for the production of power, and shall ordinarily include the dams, intakes or other storage works, water conduits within

Dominion Water Power Act—*continued*

the severance line, all hydraulic or electrical machinery, appliances, fixtures, equipment and appurtenances, and lands and rights of way required in connection therewith, also clearings, roads, trails, and railways insofar as required to be constructed and still used and useful in connection therewith and not independently profitable;

(c) "Initial development"

"Initial development" or "initial power or storage development" means such portion of the "power or storage development" as is specified in the interim licence as being required to be constructed before a final licence may be issued;

(d) "System"

"System" or "power system" means all lands, structures and appurtenances required to complete the undertaking authorized, including the power development, works, reservoirs, transmission lines, distribution works, auxiliary steam or other fuel plants, the lands required to be occupied, clearings, roads and railways insofar as required in connection with the power development, and all mills, buildings, machines, appliances, fixtures, equipment and appurtenances required in connection with the foregoing;

(e) "Inter-connected systems"

"Inter-connected systems" or "inter-connected power systems" means the power system and all plants and works connected therewith, related thereto and inter-dependent upon it, and similarly used in the generation, transmission, and distribution of electrical energy;

(f) "Independent works"

"Independent works" means all works and plants outside of the power system which may be classed as more tributary to independent undertakings of the licensee than to the undertaking authorized;

Words in the masculine gender

Words importing the masculine gender shall include bodies corporate.

SMALL WATER-POWERS

May be dealt with separately

2. Applications for the development of water-powers, the capacity of which, under average usable flow conditions, does not exceed, in the opinion of the Director, five hundred horse-power, and which are not deemed to be of primary importance for commercial or public utility purposes, may be dealt with under the provisions of section 91 hereof.

THE APPLICATION

Contents

3. Every applicant for a licence to divert, use or store water for power purposes shall file with the Director a statement giving or accompanied by the following information; [1]

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[1] Applicants are advised to communicate with the Controller, Dominion Water and Power Bureau, Ottawa, to see what information is already available in the Department before complying with all the requirements of this section. The policy of the Department is to accumulate the essential data with respect to power and storage sites, including stream-flow, etc., and applicants may, therefore, save themselves time and expense by first making inquiries.

Dominion Water Power Act—*continued*

Name

(*a*) The name of the applicant;

Address, etc.

(*b*) His post office address and occupation;

The Stream

(*c*) The name or a clear description of the river, lake or other water-course from which the water is to be diverted or used;

Place of diversion

(*d*) The place where the water is to be diverted from or in the said water-course, referred if possible to an established monument of the Dominion lands system of surveys; also the place where the water is to be returned or released;

Stream-flow

(*e*) The maximum quantity of water, expressed in cubic feet per second, which it is estimated will be ultimately diverted or used under the licence applied for;

Head

(*f*) The estimated average head in feet which will be available for the production of power according to the plan of development now proposed;

Minimum horse-power

(*g*) The estimated minimum amount of energy expressed in horse-power which will be developed on the turbine shaft within five years from the date of the application or within such other period as the applicant may state to be required for the completion of his initial development;

Maximum horse-power

(*h*) The estimated maximum amount of energy expressed in horse-power which it is estimated will ultimately be developed on the turbine shaft from the waters applied for;

Works—general description

(*i*) Briefly the character and extent of all principal works which it is proposed to construct for diverting, conveying, or using the water or water-power, including dams, raceways, canals, tunnels, pipe lines and other water conduits, power-houses, mills and transmission lines; (In reference to every dam give its approximate maximum length and height, also its proposed type, and the material to be used in its construction.)

Storage reservoirs

(*j*) If storage is involved, the location of each lake, basin or other place in which it is desired to store water; also, with reference to each such place the approximate number of acres of land which it is proposed to flood, the approximate area in acres of the surface of the reservoir when filled, the estimated vertical storage range in feet, and the total capacity of storage contemplated in acre-feet;

Dominion Water Power Act—*continued*

Lands occupied

(*k*) A reasonably accurate description and the area in acres of the lands which require to be occupied or used in the construction, maintenance or operation of the proposed works, noting separately lands required for rights of way and lands which are to be flooded:—

(i) Within lands of the Dominion,

(ii) Within provincial Crown lands;

(iii) Within privately owned lands;

(It is desirable that the lands should be described as far as possible so as to satisfy the note accompanying item (*h*) of section 12.)

Preliminary plan

(*l*) A preliminary plan or sketch, preferably on tracing linen and cut to a uniform size of 20 x 17 or 30 x 26 inches with scale so selected as to show upon a single sheet the entire project applied for, with the approximate location of all the principal works and lands referred to in the last three preceding items;

Neighbouring works

(*m*) The nearest neighbouring works or structures completed or in course of construction, both above and below the place of the proposed diversion, for diverting or using water for any purpose from the same source of supply and the approximate distance and direction of each such works from the proposed works; also the names and location of any other works or structures whatever (including bridges, railways and canals) which might affect or be affected by the construction, maintenance or operation of the proposed works;

Stream-flow data

(*n*) The approximate discharge in cubic feet per second, at or near the place of diversion of the river, lake or other source from which the water is to be diverted at high, medium and low water stages respectively, also copies of any existing measurements of the flow of the stream in the applicant's possession and a reference to all other such measurements of which the applicant has knowledge.

(Note.—The Dominion Government is carrying out extensive water resources investigations in the Territory covered by the water-power regulations. The Director will be glad to advise applicants respecting any available stream-flow data in his possession, and applicants are, therefore, advised to communicate with him before complying with this provision.)

The undertaking

(*o*) Briefly an outline of the undertaking in respect of which the licence is desired, including the use to which the power is to be applied, any sale, delivery or transfer thereof to other than the applicant which is contemplated, the territory, if any, within which such sale, delivery or transfer is to be exercised, the probable demand for power within such territory and an estimate of the capital cost of the entire undertaking;

Dominion Water Power Act—*continued*

Financial standing

(*p*) The financial standing of the applicant with reference to his ability to carry out the proposed undertaking. (The applicant, when requested so to do by the Minister, shall file an affidavit setting forth such facts with respect to this item as the minister may require, which affidavit will be treated as confidential.)

Incorporation data

(*q*) If the applicant be an incorporated company, the statement shall, in addition to the foregoing information, set forth:—

(i) The names of the directors and officers of the company, and their places of residence;

(ii) The head office of the company in Canada;

(iii) The amount of capital authorized, also the amounts of subscribed, and of paid-up capital, specifying in regard to the latter, (*a*) how much has been paid in cash, and (*b*) in what manner the balance has been paid for, also the proposed method of raising further funds, if required, for the construction and operation of the proposed works;

(iv) Copy of the special act of incorporation or the memorandum of association and a statement setting out the particular section or parts thereof which authorize the company to make the application and to carry out the proposed undertaking;

Municipality data

(*r*) If the applicant be a municipality, then the following special information shall be given in addition to that required in items (*a*) to (*p*) above, namely,—

(i) The location, area and boundaries of the municipality;

(ii) The approximate number of its inhabitants;

(iii) The present indebtedness of the municipality and its borrowing limit;

(iv) A certified copy of any by-law or resolution passed by the municipality respecting the application or the undertaking to which the application relates, also a certified copy of any enabling Act or other statutory provision authorizing the municipality to engage in the proposed undertaking.

Elevations referred to sea-level

4. All elevations given in connection with the plans or other information filed by any applicant should be referred, if possible, to mean sea-level datum.[1]

Director may request further information

5. The Director may, at any time while an application is pending, irrespective of any other requirement of these regulations, call for such additional plans, descriptions, measurements, specifications, or other data (whether related directly or indirectly to the proposed works and undertaking) as he considers necessary, and the same shall be furnished by and at the expense of the applicant.

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[1] See footnote to preceding section. Information in regard to elevations can, in many cases, be obtained from the Department.

Dominion Water Power Act—*continued*

PUBLICATION AND HEARINGS

Publication of notices

6. (1) Forthwith upon the filing by the applicant of such data as in the opinion of the Director is necessary to a clear understanding of the proposed undertaking, and in every case before the issue of an interim licence in favour of the applicant, the Director shall cause the publication, at the expense of the applicant, of a notice of the application, in at least one issue of the *Canada Gazette*, and in one or more issues of such other publications as the Director considers advisable.

Form of notice

(2) Such notice shall be marked at the top in plain letters "Dominion Water-Power Application," and shall be in a form approved by the Director, and shall give substantially the following information:—

(*a*) Name and address of applicant;

(*b*) Date of application;

(*c*) Name or clear description of source of supply;

(*d*) Place of diversion clearly described;

(*e*) Maximum horse-power capacity of proposed plant;

(*f*) Nature of the undertaking and utilization of the power;

(*g*) A statement that the application has been filed with the Director at Ottawa, and that protests or objections may be filed by any interested party with the said Director, or, at certain local points to be designated;

(*h*) If storage or pondage of water is contemplated, the place of storage, the capacity of the intended reservoir, and a general description of the lands which will be flooded;

(*i*) Such other information as the Director may require.

Proof of publication

(3) Forthwith, after the said publication of notices has been completed, the applicant shall file proof of the said publication, such proof to be in the form of an affidavit satisfactory to the Director, to be accompanied, in every case, by a copy of the notice as published.

Local hearing in certain cases

(4) If, because of protests or objections being filed, or for other reasons, the Minister considers that a local or other hearing should take place before action is taken, he shall designate a time and place for such hearing and shall name a person to preside over and conduct the same.

Such hearing may be adjourned from time to time, and the applicant may be permitted for the time being to continue the preparation of his plans and the carrying on of investigations, as may be deemed advisable.

Minister to take action

(5) The person conducting the hearing shall report his findings and recommendations in writing, after which the Director may make his recommendations to the Minister, and the Minister shall take such action in virtue of these regulations as he may deem advisable. The Minister shall have power to dismiss the application if such action is required in the public interest.

Dominion Water Power Act—*continued*

SURVEY PERMIT

Survey permit issued

7. The Director may issue to any applicant a survey permit which shall empower the applicant to enter upon any Crown lands without other licence therefor, and upon the lands of any person whomsoever for the purpose of making such surveys and investigations as may be necessary for the preparation of his general layout plans, but for no other purpose whatsoever, and the applicant shall, in making such surveys and investigations, do as little damage as possible, and shall make full compensation therefor to all persons sustaining the same.

No special rights acquired

8. The issuance of a survey permit shall not give the applicant any priority over other applicants for the development of any water-power, nor any special claim or right whatsoever in respect of the said water-power.

Applicant to furnish security

9. The applicant shall furnish such security as the Department may require for the payment of any sums which may be subsequently awarded for the damage caused by the applicant in making any surveys and investigations authorized under these regulations.

Provision for ascertaining damages

10. In case the applicant and the person whose lands are damaged by the making of any such surveys and investigations cannot agree on the amount of compensation for the damage done either party may apply to any superior or county court of the province or district in which the lands entered upon are located to have the question settled by arbitration, and thereupon the procedure supplied in the Railway Act for determining compensation for the use of lands by a railway company and for awarding the costs of the said arbitration shall be followed.

GENERAL LAYOUT PLANS

When to be prepared and filed

11. Forthwith after the issuance to the applicant of the survey permit he shall proceed with the preparation of his general layout plans and data, and shall file the same within such time as the Director shall specify.

Nature of general layout plans

12. (1) The general layout plans and data shall be such as in conjunction with the data already available in the Department will enable the Director to determine whether the proposed works are of suitable design to accomplish the purpose intended, whether the proposed development is in general accord with the most beneficial utilization of the resources of the stream, and whether the proposed undertaking is feasible and practicable and in the public interest, and such plans shall further conform to any requirements of the Director not inconsistent with these regulations.

Dominion Water Power Act—*continued*

(2) The said plans and specifications must be carefully prepared, being based upon actual and thorough surveys and investigations on the ground.[1] They must be in sufficient detail to enable the department engineers to determine exactly what is proposed to be done by the applicant, and must show the position of the proposed works with reference to surrounding objects, so that the exact scope of what is desired may be readily located and ascertained. They shall show what provision is made for navigation, logging, and other interests, as required by section 88. They should ordinarily include the following items but in certain cases the applicant may be excused by the Director in writing from supplying some part or parts of the information called for by this section:

General map

(*a*) A general map with scale so selected as to clearly define the location of all dams, reservoirs, conduits, power-houses and other works, except transmission lines;

Dam-site

(*b*) A cross-section of each dam-site along the centre line of the proposed dam with graphical log of each boring, test-pit, or other exploration, and a brief statement of the character and dip of the underlying material;

Principal structures

(*c*) Plans, elevations and cross-sections of the dams, showing spill-ways, sluiceways or sluice-pipes and other outlet or control works, also of the other principal structures which may be required;

Contours—Site of works

(*d*) A satisfactory contour plan showing the proposed power-house and other works;

Contours—Conduits

(*e*) A satisfactory contour plan of the entire water conduit location and also plans, elevations and cross-section of each type of water conduit;

Contours Reservoirs

(*f*) A satisfactory contour plan of each reservoir site showing the amount of flooding involved, the location and character of each proposed dam and of other contingent works;

Transmission

(*g*) A map or plan of the survey of the proposed final location of the centre line of all main transmission lines to and including the receiving stations;

Lands occupied

(*h*) Said plans or maps shall in every case show the location and area of the lands which are required to be occupied, used or flooded in connection with the proposed works;

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[1]See footnote to section 3. In certain cases an applicant may make use of plans in possession of the Department.

Dominion Water Power Act—*continued*

(Described by section, township and range or by lot number, if in surveyed territory; and if other than Crown lands, give the name of the registered owner in fee of any registered mortgagee or lessee, and of any claimant in actual possession other than a registered owner, mortgagee or lessee.)

General report covering

(*i*) A general report outlining and describing the plan by which the applicant proposes to develop the water privilege. Such report shall set out,—

Scope of project

(i) The dams, weirs, tunnels, races, flumes, sluices, pits and other structures or works which it is proposed to build or make in connection therewith;

(ii) The form in which the power developed is to be used, i.e., whether for direct mechanical connection, generation of electricity or otherwise, and for what purpose it is to be used;

(iii) Any contemplated sale, delivery or transfer of the power to other than the licensee;

(iv) If the power is to be transmitted, the territory within which such sale, delivery or transfer is to be exercised;

(v) The estimated demand for power within such territory;

(vi) Any other data necessary to a full understanding of the nature and objects of the undertaking;

Physical data

(vii) The natural height of the fall or rapid;

(viii) The extreme high and low water levels at the power dam site and the power station site, and of all bodies of water proposed to be used as storage reservoirs;

(ix) The flow of water in cubic feet per second at the high, low, and average stages of same;

(x) The estimated capacity in horse-power of the fall or rapid in its natural condition at the average low stage of water;

(xi) The area and available capacity of each proposed storage reservoir;

(xii) The estimated percentage of stream-flow to be made available from storage;

(xiii) All other data necessary to a full consideration of the natural features of the site or sites of the proposed works;

Construction data

(xiv) The estimated total average effective head it is proposed to develop;

(xv) The height and full description of any dams or weirs, which it is proposed to construct;

(xvi) The increase in the level of the water to be brought about, and the area and character of lands to be flooded by such dams or weirs;

Dominion Water Power Act—*continued*

(xvii) The effective discharging capacity of such dams or weirs and the type of the proposed control works;

(xviii) The length and full description of the proposed water conduits;

(xix) A full description of the power station including the type, number and rated capacity of the water-wheels and generators proposed to be used, both in the initial and in the final development;

(xx) The probable load factor of the power system;

(xxi) The length in miles and a full description of all main transmission lines;

(xxii) All other data necessary to a full consideration of the proposed works;

Estimates of cost

(*l*) The report mentioned in the last preceding paragraph shall in all cases be accompanied by preliminary estimates of cost;

Field notes

(*m*) Copies of field notes of the entire survey of water conduits, transmission lines, exterior boundaries, power-house and reservoir sites, or of such parts thereof as the Director may require, tied in wherever possible to the existing system of the Dominion Land Surveys;

Neighbouring works

(*n*) If there are other works already constructed or in course of construction in the neighbourhood of the proposed works, for diverting or using water from the same or tributary streams, the said plans shall indicate the location and give the distance from the proposed works, of the nearest of such other existing works both above and below the proposed works, and, if a power development, the normal elevation of the head-water and tail-water thereof, or if other than a power development, the elevation of the sill of the head-gate or head-gates, such elevations in every case to be referred to the same system of elevations as are used to designate elevations at the site of the proposed works; and if there are any other works or structures, such as bridges, railways, highways and canals, or any other public or private works whatsoever which might affect or be affected by the construction, maintenance or operation of the proposed works, the said plans shall indicate the location and set out the governing elevations of such other works or structures.

Office requirements re plans

13. The said plans shall be on tracing linen and cut to a uniform size of 20 x 17 or 30 x 26 inches; the said specifications shall be either printed or typed; and both plans and specifications shall be signed by a professional engineer of recognized standing in Canada, satisfactory to the Director, and shall be filed with the said Director at Ottawa. Elevations wherever possible should be tied in to mean sea-level datum.[1]

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[1] See footnote to section 3. Information in regard to elevations can, in many cases, be obtained from the Department.

Dominion Water Power Act—*continued*

PRIORITY PERMIT

When priority permit may be issued

14. Upon the satisfactory submission by an applicant of such of the information called for by section 3, and also such of the plans and specifications required in the preceding sections as will satisfy the Director that the proposed development is in general accord with the most beneficial utilization of the stream waters, and that the proposed undertaking, as far as the preliminary consideration possible at this time enables the Director to judge, is feasible and practicable and in the public interest, and that the applicant has the requisite financial ability to carry the project to a successful consummation, the Minister may issue to the applicant a priority permit which shall give the applicant priority over other applicants in the consideration of his general layout plans if filed within a specified time, to be mentioned in the permit.

In granting a priority permit the Minister may give preference to an application by a province or municipality if he considers such preference to be in the public interest.

Not an exclusive grant

15. Such permit shall in no case be construed as binding the Minister to enter into an interim licence nor as giving the applicant any exclusive claim or right in respect of the development of the water-power site, nor as relieving the Minister from considering other possible schemes for the development of the site, if there is reason to believe they may result in a more beneficial utilization of the natural resources or be otherwise more in the public interest.

Period of permit limited

16. A priority permit shall be effective for a period not to exceed one year unless renewed. Extensions of the time fixed may not be granted unless it is shown to the satisfaction of the Director by statutory declaration by the applicant, and otherwise, that the applicant has promptly and diligently continued the surveys and preparation of the said plans in good faith, and has been prevented by causes beyond his control (other than the want of funds) from completing the same within the time fixed, and in no case shall the applicant be given extension totalling more than one year from the expiry of the time originally fixed. If the plans and information required are not completed and filed before the expiration of the said initial period or any such extension which is granted, the applicant's priority shall lapse.

Director may defer making report

17. If the Director is of the opinion that further information than that set out in section 12 is necessary before an interim licence is entered into, he shall defer making the report mentioned in the next section and request the applicant to furnish such additional information.

THE INTERIM LICENCE

Minister may execute interim licence

18. Upon a report being made by the Director that the proposed works are of suitable design to accomplish the purpose intended, that the proposed development is feasible and practicable and will accord with the most

Dominion Water Power Act—*continued*

beneficial utilization of the resources of the stream and that it is the best possible development, in the public interest, of which the site in question is capable, bearing in mind both present conditions and future requirements, the Minister may, if he deems advisable, issue an interim licence in favour of the applicant for the carrying out of the said development.

Contents of interim licence

19. Every interim licence for the development of a water-power or storage undertaking under these regulations shall set out particulars and lay down requirements, in so far as applicable to the case, with respect to the following matters:—

Recital clauses

(*a*) A recital or recitals giving—

Name and Address

(i) The name and address of the interim licensee and date of his application;

Reference to Data and Plans

(ii) The name and location of the power or storage site, the statement that lands of the Dominion or waters are required to be used or occupied in carrying out the undertaking, and briefly the nature of the works and undertaking proposed for the development of the said site; also a reference to any plans or data on file and where filed in which the said works and undertaking are more fully shown or described;

Reference to permits issued

(iii) The date of each permit and extension thereof which may have been issued in favour of the interim licensee and a statement whether the requirements thereof and of the regulations have been fully complied with by such interim licensee;

Time for filing plans

(*b*) The date on or before which the interim licensee must file his general construction plans and specifications with the Director for approval, which date may in no case be extended for more than one year;

Minimum expenditure

(*c*) The minimum amounts of expenditure which shall be made on the works within stated periods after the interim licensee has been notified by the Director of the approval of the general construction plans and specifications;

Time for completion of initial development

(*d*) The time within which an initial development of the site capable of producing and having available for beneficial use a stated minimum amount of horse-power measured on the turbine shaft, or in the case of a storage undertaking, capable of storing a specified quantity of water, shall be completed, such initial development in every case to represent substantial progress towards the completion of the entire development of the site as outlined in the plans approved by the Department;

Dominion Water Power Act—*continued*

Use of lands

(*e*) A general statement with respect to the lands of the Dominion which the interim licensee may, for the time being and subject to the provisions hereinafter set out, enter upon, use or occupy for making surveys and investigations and constructing works;

Temporary user

(*f*) The amount of stream-flow, if any, which may be temporarily diverted, used or stored under the interim licence, pending the issue of a final licence;

Rentals

(*g*) The sum or sums to be paid as rentals or royalties for the lands occupied or the waters used during the life of the interim licence, also the times and the manner of the payment thereof;

Re giving up possession in certain cases

(*h*) The giving up of the possession and the transfer of any lands, works, and properties which may be required under the terms of sections 47 or 81, and the execution of the acceptance of the licence and of the undertaking required in conjunction therewith, as set out in section 82.

Bond or cheque

(*i*) The amount of the bond or cheque, if any, required to be deposited by the interim licensee as security for the performance of the terms and conditions of the interim licence;

Licence on fulfilment

(*j*) The issue in favour of the interim licensee upon the completion of his initial development and observance and fulfilment by him of all the terms and conditions required by the said interim licence and under these regulations to be by him observed or fulfilled of a final licence for the use or storage of water, for the development of energy therefrom, for the utilization of such energy, and (or) for the use or occupation of lands of the Dominion, which, in the Minister's opinion, are required for the proper maintenance and operation of the works; and a statement of the principal terms, which, subject always to these regulations, will be embodied in such final licence when issued, including—

Flow granted

(i) The maximum flow or quantity of water which may be diverted from time to time at the place of diversion, and used from time to time at the place of use, respectively, under such final licence; and if storage is involved, the maximum capacity of storage permissible from time to time at each storage site; subject in either case to the control and regulation of the stream-flow and of users on the stream as hereinafter provided;

Dominion Water Power Act—*continued*

Undertaking approved

(ii) A brief description of the undertaking in respect of which such final licence is to be issued, including the use which may be made of the power or storage, whether power may be sold or delivered to or used by other than the applicant, and if so, the territory within which such sale, delivery, or transfer of the right of use may be exercised;

Term

(iii) The term of the final licence;

Rental

(iv) The annual rental payable during the initial period of the final licence for waters used or stored and for the lands occupied, respectively, or for any other privilege granted;

Severance line

(v) The severance line agreed upon;

Member House of Commons

(*k*) A statement that, pursuant to the requirements of section 19 of chapter 147 of the Revised Statutes of Canada, 1927, no member of the House of Commons of Canada shall be admitted to any share or part of the said interim licence or to any benefit to arise therefrom;

Minister may impose

(*l*) Any other special terms and conditions which, subject always to these regulations, may be imposed by the Minister.

Incorporation by reference

20. Every interim or final licence shall be deemed to incorporate and shall be subject to the provisions of the regulations in force at the time of the issue of such interim or final licence in so far as applicable to the said interim or final licence without restatement of the said provisions in such interim or final licence, and shall also be subject to such other stipulations, provisos and conditions, not inconsistent with these regulations, as the Minister may impose. Every interim or final licence shall also be subject to amendments to, or changes in or additions to these regulations made during the term of such licence which are not inconsistent with the rights and privileges granted under the licence.

GENERAL CONSTRUCTION PLANS

Interim licensee to proceed with general construction plans

21. Forthwith after the execution of any interim licence, the interim licensee shall commence and carry forward the preparation of the general construction plans and specifications of all the proposed works for the development of power or storage at the site in question, and for the utilization of the said power or for its transmission and distribution as the case may be, and he shall complete and file the said plans with the Director within the time specified in the interim licence.

Dominion Water Power Act—*continued*

Nature of general construction plans

22. The said plans and specifications shall be such as would ordinarily be prepared for submission to construction contractors for the purpose of receiving tenders, and shall be such as would enable such contractors to proceed with construction preparations and the design of final detail construction plans. They shall be in sufficient detail to satisfy the Director.

Office requirements re general construction plans

23. The said plans shall be on tracing linen, and cut to a uniform size of 20 x 17 or 30 x 26 inches and the said specifications shall be either printed or typed; and both plans and specifications shall be signed by a professional engineer of recognized standing in Canada satisfactory to the Director, and shall be filed with the said Director.

PLAN OF LANDS

Plans of lands by Dominion Land Surveyor

24. (1) The interim licensee shall, at such time as shall be fixed by the Director, supplement the general construction plans of the works by a plan of lands from an actual survey by a Dominion Land Surveyor whose appointment shall have been approved by the Surveyor General. Such plan of lands shall be certified by such surveyor and shall show and describe by section, township and range or lot number, if in surveyed territory, or by other accurate description if in unsurveyed territory, the lands which are required to be occupied or used in the construction, maintenance and operation of the proposed works, noting separately—

(*a*) Lands of the Dominion not covered by water required for main diverting works, power-houses, etc.;

(*b*) Lands of the Dominion covered by water required for the said purpose;

(*c*) Lands of the Dominion required only to be flooded in connection with the storage or pondage of water;

(*d*) Lands of the Dominion required only for rights of way for water conduits, transmission lines, etc.;

(*e*) Lands of the Dominion, if any, required for sub-stations, distributing stations, terminal stations, etc.;

(*f*) Provincial Crown lands;

(*g*) Privately owned lands;

Before any such survey is proceeded with, instructions therefor must first be obtained from the Surveyor-General of Dominion Lands.

Statement to accompany plan

(2) The said plan shall be accompanied by a statement giving with respect to each parcel of privately owned lands—

(*a*) The registered owner in fee thereof;

(*b*) Any registered mortgagee or lessee;

(*c*) Any claimant in actual possession other than a registered owner, mortgagee or lessee.

Dominion Water Power Act—*continued*

Department Surveyor may be required

(3) If so required by the Director, the surveys and investigations called for by this section shall be made by a surveyor of the Department and in such case the interim licensee shall reimburse His Majesty for all salaries and expenses paid for such surveys upon the presentation to the interim licensee of accounts for the same certified by the Department.

APPROVAL OF PLANS

When general construction plans to be approved

25. (1) The Director shall examine the said general construction plans and specifications of the works, and the said plan of lands as soon as possible after the same have been filed, and shall report thereon to the Minister, and shall notify the interim licensee in writing in any case not later than six months after the latest date permitted for the filing of the said plans and specifications whether the Department has approved the same, or subject to what conditions they have been approved, or whether the plans have been rejected, and the interim licence cancelled.

Automatic approval if Department fails to act

(2) In case the interim licensee shall have filed the plans required in complete form and shall not have been notified in regard thereto within six months as provided in the preceding subsection, such plans shall be considered as approved upon the expiry of the said six months period and the licensee shall be permitted to proceed with the works provided he previously advises the Director.

Approval not to remove liability

(3) Departmental approval or non-approval of any plans shall neither incur the responsibility of the Crown nor relieve the interim licensee from the consequences which may result from the construction of the works, from imperfections in departmental requirements or from the operation of the works.

COMMENCEMENT OF CONSTRUCTION

Construction not to commence till approval given

26. (1) The interim licensee shall not commence the actual construction of the proposed works until after being notified as provided in subsection (1) of the preceding section that his general construction plans and specifications of such works have been approved either with or without conditions by the Department, except as he is authorized to do under subsection (2) of the preceding section:

Provided that if considered necessary by the Director to facilitate preliminary construction operations such as the clearing of site for structures, or the clearing of land that will be flooded, or any other work other than the actual construction of the permanent works, permission may be extended an interim licensee for such operations prior to the approval of the general construction plans. Authority granted the interim licensee under this clause, shall be without prejudice to the action of the Department on the general construction plans or otherwise.

Dominion Water Power Act—*continued*

Commencement and continuance of construction

(2) Within six months after receiving such notification, or within six months after approval obtained as described in subsection (2) of the preceding section, the interim licensee shall commence the construction of the said works and shall thereafter without interruption, except such as may be occasioned by act of God or other major cause beyond the control of the interim licensee (other than want of funds), carry on and complete the construction of the said works according to the plans and specifications as so approved, and subject to the terms of the interim licence and of these regulations.

ANNUAL DEPOSIT BY INTERIM LICENSEE

Deposit, how computed

27. (1) In the period commencing with the date of the interim licence and extending to the date of the construction guarantee fund hereinafter required the interim licensee shall, in the case of a power undertaking make an annual deposit with the Department computed on the horse-power capacity of the site as determined by the Director, according to the following scale:

Power

Each H.P. up to 1,000 H.P.	$0.40
The next 9,000 H.P.	$0.20
All over 10,000 H.P.	$0.10

Storage

(2) In the case of a storage undertaking the annual deposit shall be computed on the estimated cost of the storage development as determined by the Director, according to the following scale:

1 per cent on the first $100,000 of estimated cost.

½ per cent of the next $900,000 of estimated cost.

⅕ per cent on the amount above $1,000,000 of estimated cost.

Deposit how payable

(3) The annual deposit required under this section shall in no case exceed ten thousand dollars; and may be in the form of one or more accepted cheques upon a chartered bank or banks approved by the Department.

When payable

(4) The first such annual deposit shall be payable on or before the execution of the interim licence and shall be prorated to cover the then unexpired portion of the calendar year; subsequent annual deposits shall be made on the first day of January of each year in advance.[1]

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[1] Table showing, in the case of power developments, the annual deposit and the guarantee deposit required for developments of varying horse-power.

Horse-power	Annual Deposit	Guaranteed Deposit
1,000	$ 400	$ 2,000
5,000	1,200	6,000
10,000	2,200	11,000
20,000	3,200	16,000
50,000	6,200	31,000
88,000 and up	10,000	50,000

Dominion Water Power Act—*continued*

Credited as part payment on guarantee deposit fund

(5) The said deposits shall be credited to the interim licensee as a part of the construction guarantee fund hereinafter specified in the event that the conditions required to be performed by him up to the time of the approval of his general construction plans, are satisfactorily performed and shall be refunded to him in the event that, having satisfactorily performed the said conditions, he is notified by the Director that his plans have been rejected and his interim licence cancelled; but the said deposits, or such part thereof as the Minister directs, shall be forfeited to the Crown in the event that the interim licensee fails to prepare and file satisfactory working plans or otherwise fails to carry out the terms of his interim licence.

GUARANTEE DEPOSIT

Guarantee deposit, when payable

28. (1) Within sixty days after being notified in writing by the Director of the approval of his general construction plans and specifications by the Department, the interim licensee shall deposit with the Department such sum as, together with these annual sums previously required to be deposited as hereinbefore specified, shall make up the amount required by this section as a guarantee deposit fund for the purpose of guaranteeing the performance and fulfilment by the interim licensee of the terms and conditions of his interim licence.

How Computed

(2) The amount of said guarantee deposit fund shall in the case of a power undertaking be computed according to the horse-power capacity of the site as determined by the Director, according to the following scale:

Power

Each H.P. up to 1,000 H.P.	$2.00
The next 9,000 H.P.	1.00
All over 10,000 H.P.	0.50

Storage

(3) In the case of a storage undertaking the amount of the guarantee deposit fund shall be computed on the estimated cost of the storage development as determined by the Director, according to the following scale:

5 per cent on the first $100,000 of estimated cost.

2½ per cent of the next $900,000 of estimated cost.

1 per cent on the amount above $1,000,000 of estimated cost.

Deposit, how payable

(4) The guarantee deposit required under this section shall in no case exceed fifty thousand dollars; and may be in the form of one or more accepted cheques upon a chartered bank or banks approved by the Department.

Dominion Water Power Act—*continued*

When to be refunded

(5) The Minister may refund the said deposit to the interim licensee as the actual construction work progresses, the first, second, and third quarters thereof to be refunded when one-fourth, two-fourths, and three-fourths, respectively, of the initial development have been satisfactorily completed, the fourth quarter to be refunded when the final licence is issued.[1]

Evidence of progress

(6) The interim licensee shall present to the Department such evidence of the satisfactory progress in works to the stage required in compliance with the terms of his interim licence, in the form of a statutory declaration or otherwise as may be required.

What authority decides

(7) The Minister is to be the final arbiter on the question of the satisfactory completion of the first one-fourth of the said initial development, but if any dispute arises respecting the satisfactory completion of any subsequent fourth, the matter shall be referred to the Exchequer Court.

If interim licence cancelled

(8) If the general construction plans submitted by the interim licensee are finally rejected and his interim licence cancelled, while the said interim licensee has nevertheless complied with all requirements in filing the said plans, his guarantee deposit shall be refunded, and the Minister, upon a report by the Director, may make such provision as he deems just for compensating the interim licensee for the said plans should they prove to be valuable in connection with the disposition which is eventually made of the power site.

If failure to comply

(9) If the interim licensee has failed to comply satisfactorily with the terms of his interim licence, the guarantee deposit fund or such part thereof as the Minister or the Exchequer Court, as the case may be, may determine shall be forfeited to the Crown.

RIGHTS IN LANDS UNDER INTERIM LICENCE

Temporary nature of rights under interim licence

29. Only such interim rights of entry upon or of the use or occupation of any lands of the Dominion shall be acquired in virtue of any interim licence executed under these regulations as may, in the opinion of the Minister, be necessary for the purpose of making surveys, preparing plans, constructing works and otherwise carrying out the terms of the interim licence and in no case shall the rights granted by any interim licence be construed to interfere in any way with any interest in lands of the Dominion previously disposed of by the Crown. The Minister may, from

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[1] Table showing, in the case of storage developments, the amount of annual deposit and guarantee deposit required for varying costs of development.

Cost	Annual Deposit	Guarantee Deposit
$ 100,000	$ 1,000	$ 5,000
500,000	3,000	15,000
1,000,000	5,500	27,500
2,000,000	7,500	37,500
3,000,000	9,500	47,500
3,250,000 and up	10,000	50,000

Dominion Water Power Act—continued

time to time, as plans and information are filed showing the extent and scope of the works and undertaking of the interim licensee with greater precision than was possible when the interim licence was executed, and pending the execution of the lease hereinafter mentioned, designate, allot, amend and limit the areas of the said lands which the interim licensee is permitted to enter upon, use or occupy for the purpose aforesaid, and the Minister's decision on the above matter shall be final.

Expropriation of private lands

30. The Minister shall also, at the time of approving the said plans, or as nearly thereafter as is found feasible, designate in writing the lands with respect to which the powers of expropriation conferred by section 7 of the Dominion Water Power Act may be exercised; and the interim licensee shall in no case exercise such powers of expropriation until the lands are so designated nor with respect to other lands than those specified.

CHANGE IN PLANS

Change in plans or works requires authorization

31. The interim licensee, before making any material change in the general construction plans as approved, or in the works constructed or under construction in pursuance of his licence or in the location thereof authorized, shall submit a complete and satisfactory statement and plans of such proposed change to the Director, and shall not proceed to carry out the same until such proposed change has been authorized.

INSPECTION AND REPORTS

Inspection during construction

32. The Minister, the Director, or any engineer or person authorized by either for that purpose shall have free access at all times to all parts of the lands being occupied or of the works being constructed by any interim licensee for the purpose of ascertaining whether the terms and conditions of the interim licence are being satisfactorily carried out by the interim licensee, and in particular whether the construction of the works is in accordance with the plans and specifications approved as hereinbefore provided; also for the purpose of checking and taking note of construction-cost data; for which purposes the contractor or any sub-contractor shall give the person so authorized for the purpose access to figures in the possession of such contractor or sub-contractor at all reasonable times.

Inspecting and consulting engineers

33. (1) The Director, if he considers the undertaking of sufficient importance, may place a qualified inspecting engineer on the work during construction and may also, if he considers it necessary, retain a consulting engineer for advice in connection with the plans or works of the interim licensee. The licensee shall reimburse His Majesty on or before the first day of January in each year for all sums paid for salaries and expenses in respect of the said undertaking on behalf of the said inspecting engineer, on statements of the sums so paid being submitted by the Department from time to time. In like manner, the licensee may also be called upon, at the discretion of the Minister, to reimburse His Majesty for all or part of sums paid for fees and expenses of the said consulting engineer.

Dominion Water Power Act—continued

Instructions of inspecting engineers followed

(2) The interim licensee shall abide by, conform to and carry out all reasonable written instructions of the inspecting engineer regarding the construction of all works in accordance with the plans and specifications approved as hereinbefore provided, and in case of dispute, regarding the reasonableness of such written instructions, or regarding the requirements of the plans and specifications, the Minister's decision shall be final and conclusive; and in case the interim licensee does not abide by or conform to and carry out the said written instruction of the inspecting engineer the Minister may cause the interim licensee to suspend all operations with respect to works herein mentioned until the Minister gives instructions to resume the same, and in the case of continued refusal by the interim licensee the Minister may cancel the interim licence.

Reports of interim licensee

34. The interim licensee shall submit such reports of progress during construction of the said works as the Director may from time to time require.

FINAL CONSTRUCTION PLANS

Time of filing

35. (1) Within ninety days after the completion of the initial development in accordance with the general construction plans or with any authorized changes therein, and within ninety days after the completion of any additional unit of the power development or of the power system, the interim or final licensee, as the case may be, shall file with the Director copies of his final construction plans.

Scope

(2) The final construction plans, together with drawings and specifications accompanying the same, shall show the works as actually constructed in such detail as would be required to be given to construction contractors for the purpose of constructing the works. They shall also show the precise areas of lands occupied so as to satisfy the requirements of section 24.

Preparatory

(3) The said plans shall be on tracing linen, and shall conform to the sizes specified in item *"l"* of section 3; the said specifications shall be either printed or typed; and both plans and specifications shall be signed by a professional engineer of recognized standing in Canada satisfactory to the Director, and shall in other respects satisfy the requirements of the said Director.

Condition precedent

(4) In no case shall the interim licensee be entitled to the issue of his final licence until he has fully complied with the requirements of this section in so far as they relate to the initial development.

FIXATION OF CONSTRUCTION COSTS

Actual first cost to be stated

36. (1) Upon completion of the initial development and upon the completion of any substantial addition thereto, a sum shall be fixed which, in conformity with the provisions and principles of these regula-

Dominion Water Power Act—*continued*

tions, shall represent the actual cost of such development and (or) of such addition. In the event that the Minister and the interim or final licensee, as the case may be, cannot agree upon the said sum within ninety days after the completion of the said development and (or) of such addition, or within ninety days after the purchase of any lands or rights of way within the severance line, the Minister shall refer the matter to the Exchequer Court for determination.

Condition precedent

(2) In no case shall a final licence be issued to the interim licensee until such licensee has fully complied with the provisions of this section in so far as they relate to the completion of the initial development.

Fixation of cost at earlier stage in certain cases

(3) For the purpose of determining whether the interim licensee's progress in constructing works has been sufficient to comply with the terms of his interim licence and of these regulations, or for determining whether any part of the interim licensee's guarantee deposit is repayable as provided in section 28, or for any other purpose, the Minister may require that the actual cost of such part of the initial development as has been constructed up to a certain date shall be established, and in such case the interim licensee shall promptly submit all figures and data in his possession, and a sum shall be fixed to represent the cost of such part in the same manner as hereinbefore provided for fixing the cost of the entire initial development; and no part of the interim licensee's guarantee deposit then claimed to be repayable shall be refunded until the requirements of this section shall have been fully satisfied, provided that the Minister shall not require any such determination of the cost of construction oftener than once in each calendar year.

OPERATION UNDER INTERIM LICENCE

If works operated under interim licence

37. (1) In the event that the said works are put into operation before the issuance of the final licence, the interim licensee shall, pending the issuance of such final licence and until otherwise agreed upon, maintain and operate the same to the satisfaction of the Director and shall at no time raise the level of the waters of any river, lake or other body of water or permit such level to be raised higher than the elevation which shall be fixed from time to time by the Director and shall abide by all reasonable regulations which may from time to time be promulgated by the Minister for the control of the flowage of any waters for general conservation purposes.

Rentals for temporary use

(2) The interim licensee shall in such case pay for any water used in the development of power prior to the issuance of the said final licence, such sum or such rate per horse-power as the Minister may determine.

Interim licensee to observe certain obligations of final licensees

38. In addition to any obligations specially imposed upon interim licensees in this part of these regulations, every interim licensee shall, in so far as his position with respect to the use and occupancy of lands and waters of the Dominion, or the maintenance and operation of his works

or the carrying on of his undertaking for the time being is similar to that of a final licensee, and subject to the provisions of the last preceding section, observe and comply with all the provisions of these regulations applicable to final licensees.

Amending Interim Licence

39. Subject to these regulations the terms of any interim licence may be amended by a supplementary licence entered into between the Minister and the interim licensee; and plans and specifications previously approved may be amended with the consent in writing of the Minister, but any such amendment shall affect only the portion specifically covered in such supplementary licence or writing, and shall in no case operate to alter or amend or in any way whatsoever be a waiver of any other part, condition or provision of the original interim licence.

Extension of Time

Extension to be approved by Governor in Council

40. (1) Notwithstanding the foregoing section, no extension of the time fixed in any interim licence for the filing of the general construction plans, or for the commencement of construction, or for the expenditure of the sums required to be expended within any stated period, or for the completion of the initial development, may be granted to any interim licensee unless the Minister is satisfied, after report in writing from the Director, that the interim licensee has been prevented by engineering difficulties that could not reasonably have been foreseen or by other peculiar and special causes beyond his control other than the want of funds, from completing the said requirement within the time stated, and then only upon the passage of an order by the Governor in Council approving of the said extension.

Extension for filing plans, etc.

(2) The maximum extension which may be granted in any case for the filing of the general construction plans, or for the commencement of construction work, or for the expenditure of the sums required under the interim licence within the first and second years respectively of the construction period (or within such other stated times as are specified in the interim licence), shall be twelve months. On the expiry of the said twelve months, or upon the expiry of the time originally allowed if no extension has been granted, the Director shall report in writing to the Minister whether the interim licensee has satisfactorily performed the specified requirement, or whether he has failed to perform the same. In the event that the Minister after considering the said report is satisfied that the interim licensee has failed to perform satisfactorily the said requirement, he shall thereupon cancel the interim licence.

Extension for completion of works

(3) The time required by the interim licence for the completion of the initial development shall in no case be extended by the Governor in Council unless it is shown by report in writing signed by the Director that the interim licensee has satisfactorily completed the construction of a substantial part of the said initial development within such time, and no

Dominion Water Power Act—continued

extension of time shall be granted for a longer period than one year, and no second or subsequent extension of time shall be granted unless it is shown by report of the Director in writing that the interim licensee has completed within the extension period previously granted a further substantial part of the said initial development.

Interim licensee may initiate action

(4) If by reason of any of the special causes referred to in subsection (1) above, the interim licensee desires an extension of time to complete the said requirements within the time stated, he shall make application to the Director in writing, giving his reasons for the desired extension, and if no Order in Council authorizing an extension of time has been passed within three months after making such application, he shall be allowed thirty days in which to bring the matter to the attention of the Minister, and the Minister may thereupon institute an inquiry by the Director or by such other officer, board, or person as he may designate or appoint, and take such action after hearing his or their report in conformity with the provisions of this section as he deems just. In the event that the Director has not submitted the said report and the interim licensee fails to bring the matter to the notice of the Minister within the said thirty days, the interim licence shall automatically become null and void.

PENALTIES FOR DEFAULT BY INTERIM LICENSEE

Minister acts in case of initial failure

41. (1) If the interim licensee fails to file satisfactory general construction plans within the time required, or fails to commence the actual construction of the initial development in good faith within the time required under his interim licence or fails to make substantial and satisfactory progress in the first year of the period allowed for the construction of the said initial development, the Minister shall cancel the interim licence.

Other failures occurring before completion stage reached

(2) If the interim licensee fails to expend on the initial development within any of the stated periods set out in his interim licence, the amount required by such licence to be so expended, or fails to complete the said development within the time specified, or fails to comply with any other term or condition of his interim licence or of these regulations, his interim licence shall be subject to cancellation by the Minister after a full report has been made on the matter by the Director and after sixty days' notice has been given to the interim licensee and an opportunity to be heard before such Board or Commission whether departmental or otherwise, as the Minister may appoint or designate, or the Minister may after such report and hearing take such other action or make such other order in the premises as shall, in his opinion and subject to these regulations, be suitable.

Appeal allowed after one-fourth completion

(3) If such failure occurs subsequently to the time when the licensee has expended on the initial development one-fourth of the total amount that the licence requires shall be expended, the interim licensee may appeal from the decision of the Minister to the Exchequer Court.

Dominion Water Power Act—*continued*

Different penalties may be applied

(4) One or more of the following different courses of action may be taken by the Minister, or the Exchequer Court, as the case may be, after such report has been considered and such hearing has been held, namely:—

Specific performance

(*a*) The interim licensee may be ordered to perform specifically one or more of the conditions imposed by his interim licence;

Fine

(*b*) The interim licensee may be ordered to pay to the Crown a sum by way of liquidated damages for his past failure to perform the terms imposed by his interim licence;

Cancellation

(*c*) The interim licence may be cancelled, and

New interim licence subject to new terms

(i) The interim licensee may be granted priority over all other applicants for entering into a new interim licence with His Majesty for the development of the site in question, but in every case such new licence and any further concessions made in favour of the interim licensee shall date from the date of the original interim licence and shall in all other respects be made subject to and shall be deemed to incorporate, in so far as applicable, the provisions of the water-power regulations of the Dominion Government in force at the time of the execution of such new licence, or which may thereafter be put into force and are not inconsistent with the terms of his original interim licence;

Compensation in certain cases

(ii) If an interim licence is cancelled for default on the part of the interim licensee by the Minister under the terms of this section, and if in the opinion of the Minister the interim licensee is entitled to compensation for any works constructed on lands of the Dominion or for any plans filed by him in pursuance of his interim licence, the Minister may make any provision which he deems proper for arriving at or securing the payment of such compensation; and if such interim licence is cancelled by the Exchequer Court pursuant to this section, the Exchequer Court may make any order in regard to compensation of the interim licensee for the said plans or works on lands of the Dominion as it deems just;

Compensation to be fixed with allowance for detriment caused

(iii) In arriving at such compensation the Minister or the Court, as the case may be, shall in every case consider the detriment occasioned to the public interest by reason of the default or failure of the interim licensee, and the said compensation, if

Dominion Water Power Act—*continued*

any, shall in no case exceed the actual cost of such works or plans determined in accordance with section 36, nor shall the compensation exceed that which would be determined by applying the principles set out in subsection (3) of section 47 to the case in hand.

Disposition of works on lands of the Dominion

(5) In the event that the interim licence is cancelled pursuant to the above, and the interim licensee is not granted a new interim licence as referred to in item (i) of subsection (4) above, the Minister may make any disposition of the lands of the Dominion and works thereon and formerly occupied or constructed by the interim licensee pursuant to the terms of his interim licence as the Minister may deem suitable.

Rights of Crown in private lands

(6) If any interim licence is cancelled under the terms of this section, the rights of His Majesty with respect to the possession, occupation and use of any lands, works, structures, equipment or properties other than lands of the Dominion and works located thereon, then owned or held by the interim licensee and used or occupied in connection with the undertaking to which his interim licence relates, and the compensation to be paid for any such other lands, works, structures, equipment and properties shall be as set out in section 47.

COMPLETION OF WORKS BY INTERIM LICENSEE

Notice of completion

42. (1) As soon as the interim licensee has completed his initial development and otherwise fulfilled the terms of his interim licence he shall file in the office of the Director written notice of such completion and fulfilment. Blank forms for giving this notice will be supplied by the said Director on request.

Inspection

(2) The Director shall thereupon, except in the cases provided for in the next following subsection, cause an inspection, and if necessary a survey, of the works constructed or used and of the lands and waters used or occupied in connection with the undertaking to be made.

Proof of completion in certain cases

(3) In those cases where the Director deems inspection unnecessary he may require the interim licensee to file not later than sixty days after the expiry of the time fixed for such completion, proof of the said completion and fulfilment by a statutory declaration in an approved form. Blank forms for making the said declaration shall be supplied by the Director on request.

Date of completion

(4) Upon compliance on the part of the licensee with the requirements of the foregoing subsections, the Director shall determine a date which, for the purposes of these regulations, shall be the date of completion of the initial development.

Dominion Water Power Act—*continued*

ISSUANCE OF FINAL LICENCE

Minister to issue final licence

43. (1) Upon completion of the initial development according to the plans previously approved and upon fulfilment and compliance otherwise with all the terms and conditions of his interim licence and of such of the provisions of these regulations as are applicable to his case, the interim licensee shall be entitled to the issue in his favour by the Minister of a final licence authorizing the diversion, use, or storage of water at the site in question, for the development of energy therefrom, for the utilization of such energy, and (or) for the occupation or use of the lands of the Dominion which, in the Minister's opinion, are required for the proper maintenance and operation of the works.

One or more indentures at Minister's option

(2) It shall be optional with the Minister to issue the licence covering the rights granted with respect to the diversion and use of the waters and with respect to the occupation and use of the lands which are to be granted in the form of two or more separate indentures, but if such separate indentures are issued, they shall be executed concurrently, and the terms and conditions of each such indenture shall be deemed to be incorporated in all, and non-compliance with any term or condition in any such indenture shall be taken to be non-compliance with the terms and conditions of all.

Termination of rights

(3) Upon the issuance of any final licence all rights held and obligations assumed under the interim licence shall cease and determine.

Contents of final licence

44. The final licence shall embody the terms which were set out in the interim licence for incorporation into such final licence, and such other terms and conditions, not inconsistent with the regulations in force at the time of the issue of such final licence, as the Minister may impose, including in so far as applicable, the following particulars:

Recital

(*a*) A recital clause or clauses, giving,—

Name and address

(i) The name and address of the licensee;

Site

(ii) The name and location of the power-site, with particular reference to the waters of the Dominion whose use is required in its development;

Dominion Water Power Act—*continued*

Reference to interim licence

(iii) A reference to the interim licence which authorized the construction of the works and any amending licence issued, and a statement whether or not the conditions thereof have been fully complied with;

Waters granted

(*b*) The maximum flow or quantity of water which may be diverted from time to time at the place of diversion, and used from time to time at the place of use, respectively, under the licence; and, if storage is involved, the maximum capacity of storage permissible from time to time at each storage site, subject in either case to the control and regulation of the stream-flow and of storage in the interests of all the users on the stream as hereinafter provided;

Works authorized

(*c*) A statement setting forth clearly the position and extent of the works authorized to be maintained and operated under the licence and a reference to the final construction plans (copies of which may be attached to the licence, but the originals of which shall remain on file in the Department) in which sketches, maps or plans the position and extent of the said works are more particularly shown, including:

(i) The place of diversion or use in the stream and the course of the stream at the said place;

(ii) All principal works for diverting, conveying, storing or using the water or the power developed therefrom;

Lands to be occupied

(*d*) An accurate description of the lands of the Dominion which may be entered upon, used or occupied for the maintenance and operation of the said works, setting out separately lands in any of the following classes:

(i) Lands of the Dominion not covered by water required for main diverting works, power-houses, etc.;

(ii) Lands of the Dominion covered by water required for the said purposes;

(iii) Lands of the Dominion required only to be flooded in connection with the storage or pondage of water;

(iv) Lands of the Dominion required only for rights of way for water conduits, transmission lines, etc.;

(v) Lands of the Dominion, if any, required for sub-stations, distributing stations, terminal stations, etc.;

Undertaking authorized

(*e*) A brief description of the undertaking in respect of which the licence is issued, including the use which may be made of the

Dominion Water Power Act—*continued*

power, whether the power may be sold or delivered to or used by other than the licensee, and if so the territory within which such sale, delivery or transfer of the right of use may be exercised;

Term

(*f*) The term of the final licence;

Rentals

(*g*) The annual rental payable during the initial period of the licence for waters used or stored and for the lands occupied respectively; or for any other privileges granted, and the times when payable;

Severance line

(*h*) The severance line agreed upon.

TERM OF LICENCE

45. (1) Every licence shall be limited to such term not exceeding fifty years from the time fixed in the original interim licence for the completion of the initial development, as may be agreed upon between the Minister and the licensee.

Recapture before expiry of term

(2) At any time after thirty years from the time fixed for the completion of the initial development, upon twelve months, notice to that effect having been given by the Minister to the licensee, His Majesty may repossess himself of the works, lands, and properties of the licensee, paying therefor compensation in accordance with the principles set out in section 47; except that the Minister or the Exchequer Court, as the case may be, may, in valuing the power development, add to the amount determined in accordance with subsection (3) of the said section 47 a bonus equal to three-quarters of one per cent of such amount for each and every full year of the unexpired term of the licence; provided that in no case shall such bonus be less than five per cent of such amount; and in valuing works and lands outside the severance line the Minister or the Exchequer Court may increase the bonus as provided in subsections (8) and (9) of the said section 47 to an amount not exceeding twenty per centum of the physical value of the works nor exceeding twenty per centum of the actual cost of the lands.

RENEWAL OR TERMINATION

Licensee treated as prior applicant for further term

46. (1) Not less than four nor more than six years prior to the termination of any licence the licensee may apply in writing for an extension of rights held under such licence, and applications may also be filed with the Director by any persons looking to the future utilization of the site to which the licence applies. Any application for this purpose including the application for renewal of the licence shall be in such form and contain such statements and information as will satisfy the laws and regulations

Dominion Water Power Act—*continued*

then in force, and such application for renewal by the licensee shall in every case be accompanied by a suitable undertaking on the part of the licensee that he will comply with all the said laws and regulations.

Upon the filing of such application for renewal and undertaking the licensee will be given preference over other applicants for a licence to use and occupy the waters and lands in question during a further term.

Renewal must be in public interest

Provided always that the licensee has complied with all the requirements of his licence and of the regulations from time to time in force to the satisfaction of the Minister and that his proposed use and development of the site is at least as desirable in the public interest as that of any other pending applicant.

Minister to decide on future disposition

(2) After the termination of the two-year period mentioned in the last preceding subsection, and after such public hearing as the Minister may deem necessary, but subject always to the laws and regulations then in force, the Minister shall determine, in view of all applications then pending for the future occupation and use of the waters and lands in question (including the application for renewal, if any, of the licensee), what future disposition shall be made of the said waters and lands.

Termination of licensee term

(3) If some disposition of the said waters and lands other than a licence to the licensee for a further term is decided upon, the Minister shall give the licensee not less than three years' notice in writing, hereinafter called "notice of termination", that from and after the expiry of his licence or from and after such subsequent date as is fixed by the Minister, all further rights of the licensee with respect to the occupancy and use of the said waters and lands shall determine; and thereupon from and after such expiry, or from and after such subsequent date, as the case may be, all the said rights shall absolutely cease and determine without further proceeding.

COMPENSATION FOR WORKS AND LANDS IF LICENCE TERMINATED

I. WORKS AND LANDS WITHIN THE SEVERANCE LINE

Taking over power developments

47. (1) Upon the expiry of the final licence or upon the expiry of the time fixed in the said notice of termination, as the case may be, the power development shall become the property of the Crown, and the Minister, or such person as he may designate in that behalf, may immediately and without further proceeding enter upon, possess, occupy, operate and control the same.

Dominion Water Power Act—*continued*

Mode of determining compensation

(2) In the event that the Minister and the licensee are unable to agree upon the compensation to be paid for the said power development within one year after notice of termination has been given, either party may refer the matter to the Exchequer Court.

Basis of compensation

(3) Compensation for the said power development shall be arrived at by first taking as a basis the figure previously fixed in accordance with section 36 as the actual cost of the said development, then adjusting this figure so as to make allowance for any variation in the purchasing power of a dollar as shown by the official trade index or other official Dominion statistics most applicable to the case in hand, and finally deducting an amount equivalent to the actual loss in value of the said works due to their physical or functional depreciation or to other causes.

II. WORKS AND LANDS OUTSIDE THE SEVERANCE LINE

Mode of determining extent to be taken

(4) If the Minister desires to take over further works and lands in addition to the power development (i.e. outside of the severance line), but within the power system, and cannot come to an agreement with the licensee concerning the extent thereof within one year after the notice of termination has been given by the Minister, the Minister may refer the matter to the Exchequer Court.

Basis of determination of extent

(5) The Minister or the Court, as the case may be, in determining the extent of such further works and lands within the system which may be taken over, shall take into consideration whether or not such works and lands or any part of them are more tributary to the water-power development than to the licensee's remaining undertaking or undertakings, as well as the severance losses which would be suffered by both parties, the public interest, and such other factors as the Minister or the Court considers relevant, and shall make the most equitable determination possible in all the circumstances. The Court may require that the whole or none of any specified unit of such works and lands must be taken over.

Taking possession of outside works and lands

(6) Upon the judgment of the Court being given but not before the expiry of the time mentioned in the said notice of termination, His Majesty may assume immediate possession and control of all the lands and works which the Court has designated as being permissible of being taken over, but compensation shall be paid for the same as hereinafter provided.

Mode of determining compensation

(7) In the event that the extent of works and lands to be taken over outside the severance line has been definitely determined as provided

Dominion Water Power Act—*continued*

in the preceding subsections but the Minister and the licensee are unable to agree upon the compensation to be paid for the same within one year after the determination of the said extent either party may refer the matter to the Exchequer Court.

Basis of compensation—Works

(8) The Minister or the Court, as the case may be, in determining the compensation to be paid for the said works shall first fix a sum which represents, in their opinion, their then physical value, considering either first cost, replacement cost, or any other similar criteria which will enable them to arrive at the said physical value, but excluding good will, going concern, franchise value, severance damages and other intangible elements of a like nature; and the Minister or the Court may then add to the said sum so determined an amount not exceeding ten per centum thereof for the purpose of covering such severance damages as is deemed just.

Basis of compensation—Lands

(9) The Minister or the Court, as the case may be, in determining the compensation to be paid for the said lands shall first take as the basis of such compensation the amount previously established as their actual cost in accordance with section 36, shall next make an allowance for the variation in the purchasing power of a dollar as provided in subsection (3) of this section, and may, in his or its discretion, add to the result so determined a bonus not exceeding ten per centum to cover such severance and other intangible values as is deemed proper to allow under the circumstances.

RENTALS FOR THE USE OF WATER

When to begin

48. (1) The annual licence rental for water used for the production of power in any case is to begin to run not later than from and after the date fixed in the original interim licence for the completion of the initial development, whether the same shall have been completed or not. Extensions of time from any cause whatsoever shall not affect this provision.

Periods covered by respective payments

(2) The first payment of annual rental is to be for the part of the year embraced between the said date fixed for completion and the end of the then current calendar year. Subsequent rental payments are to cover the rentals for each successive calendar year or the part thereof during which the licence is in force, or the licensee continues operations.

Rental statements and when payable

(3) Every licensee shall, on or before the first day of March following each year of the interim and final licence periods submit all data required by the Director for the determination of his rental for the preceding

Dominion Water Power Act—*continued*

calendar year. The Director shall immediately proceed with the preparation of statements of rentals due for such calendar year and shall give the licensee notice thereof. Such rentals shall be payable within sixty days after the giving of such notice.

Penalty for arrearages

(4) If any rentals are not paid on or before the latest date when by these regulations they are payable, ten per centum of the amount of such rentals shall be added thereto, and the total amount shall bear interest compounded annually at eight per centum from the said latest date until paid.

Lien

(5) The rentals together with the ten per centum added by way of penalty and interest as above provided shall be the first lien or charge upon the water-power development, property, assets, rents and revenues of the licensee.

Action if rental unpaid

(6) If any rental remains unpaid for more than one year after the latest date when by these regulations it becomes payable, the licensee shall again be given notice thereof, and if not paid within sixty days after such notice has been given, the Minister may, at his option,—

Action for debt

(*a*) Request the Attorney-General of Canada to sue in any court of competent jurisdiction for the amount thereof, together with the ten per centum added by way of penalty and interest as above provided, as a debt due to His Majesty, and the production of a written statement by the Minister of the sums so payable shall be *prima facie* evidence of such debt, and to supplement such action by garnishment proceedings against any persons indebted to the licensee for the purchase of electrical energy or other product of the undertaking, or by proceedings to foreclose the lien referred to in the last preceding subsection.

Action as in other cases of default

(*b*) Take or institute such action as is provided for general cases of default under these regulations as set out in section 81.

Proviso

(7) The acceptance of rental in any case shall not be or be deemed to be a waiver of any of the terms or conditions which have been accepted by the licensee.

Dominion Water Power Act—*continued*

WATER RENTALS IN FIRST TWENTY-YEAR PERIOD

How rentals to be determined

(8) The rentals in the twenty-year period directly following the date fixed for the completion of the initial development shall be determined as follows:

Initial annual rental

(*a*) The initial annual rental during such period shall be based upon the horse-power capacity of the installation required for the said initial development by the terms of the interim licence. It shall be computed at a rate per installed horse-power which shall be fixed in the interim licence for the special purpose of establishing the said initial rental and which shall in no case be less than fifty cents per installed horse-power;

Regular annual rental

(*b*) The basis and the rate upon which the regular annual rental during such period shall be calculated shall also be set out in every interim licence. Such basis shall be the horse-power-year of output and the rate shall be not less than shown in the following table:

WATER RENTAL PER HORSE-POWER-YEAR

When the annual load factor is less than 40 per cent the rate (minimum) shall be 90.0 cents per h.p.-year.

When the annual load factor lies between—

40 per cent and 50 per cent shall be 87·5 cents per h.p.-year.

50 per cent and 60 per cent shall be 85·0 cents per h.p.-year.

60 per cent and 70 per cent shall be 82·5 cents per h.p.-year.

70 per cent and 80 per cent shall be 80·0 cents per h.p.-year.

80 per cent and 90 per cent shall be 77·5 cents per h.p.-year.

90 per cent and 100 per cent shall be 75·0 cents per h.p.-year.

Measurement for rental purposes

Whenever during such period the amount determined by applying the schedule set out above to the output in horse-power-years exceeds the initial rental established according to the preceding paragraph (*a*), then the amount so determined shall constitute the annual rental.

(9) For the purposes of this section,—

the output shall be taken as the total horse-power-years developed during the year on the turbine shaft;

the annual load factor shall be taken as the ratio of the average load to the maximum load;

Dominion Water Power Act—*continued*

the maximum load shall be taken as the highest rate of output carried by the plant during the year under normal operating conditions for a period of twenty minutes.

The annual load factor in the case of electrical plants shall be calculated thus:—

$$\frac{\text{Total kilowatt-hours generated per annum} \times 100}{\text{Maximum load of the year in kilowatts} \times 8760} = \text{per cent load factor}$$

In the case of plants other than electrical, the annual load factor shall be calculated by substituting horse-power-years and horse-power for kilowatt-hours and kilowatts in the above formula. For the purposes of these regulations, one horse-power-year shall be taken as the equivalent of 6,535 kilowatt-hours; and the output at the turbine shaft shall be assumed to be the equivalent of 107½ per cent of the output as recorded at the generator switch-board. The output and the annual load factor shall be as determined by the Director, who for this purpose may use any available data, such as the switch-board records in the case of electrical plants. Every licensee generating electrical energy, unless excused by the Director in writing from compliance with this condition, shall install an approved curve-drawing recording wattmeter and shall preserve and produce for inspection all records made by such wattmeter.

Revision after Twenty Years

Times of revision

(10) Upon the expiry of the said twenty-year period and every ten years thereafter the annual rental shall be subject to revision.

Procedure for revision

(11) Within six months before the termination of any ten-year period, if either the Minister or licensee deems a revision of the rate of the annual rental per horse-power-year advisable, he may notify the other party to that effect, whereupon both parties shall endeavour to reach an agreement upon the said rate for the succeeding ten-year period. Failing to reach such agreement within ninety days after the commencement of the said period, either party may refer the matter to such board, commission or authority as may be created or designated by the Governor in Council for the purpose of revising the rentals. Such board, commission or authority in establishing the rentals to be charged shall take into consideration the earning capacity of the plant in question, the supply of power available from the plant and other sources in the surrounding district, the average selling price of the same, and any special conditions or circumstances affecting the plant in question.

Principles of revision

(12) The rental for each year of such ten-year period shall be based on the actual station output for such year in horse-power-years as estimated at the turbine shaft by the Director. In the case of electrical plants the Director may use the switch-board records or any other available data.

Dominion Water Power Act—*continued*

Fair rate of return

(13) In the case of a licensee engaged in the sale of power, an upward revision of the rate of the rental per horse-power-year may only be made provided such upward revision shall not make it impossible for such licensee to earn a fair rate of return on the actual cost of the physical properties used and useful in connection with the undertaking, plus due provision for the amortization of such costs (including interest), as may be necessary and legitimate for promoting and organizing the enterprise and for providing capital otherwise than as included in the said actual cost. The costs which are to be amortized shall be fixed in the same manner and at the same time as the actual cost as set out in Section 36.

Rate of return to be cumulative

(14) The fair rate of return defined in the preceding subsection shall be considered as being cumulative from the date upon which the licensee first began the sale of power from the initial development.

Regulation of Public Utilities

Revision of rates

49. (1) When, under the authority of paragraph (*m*) of section 12 of the Water Power Act, a board or commission is designated, which, in a particular territory is to regulate the rates of licensees engaged in the sale, barter or exchange of hydro-elctric energy, every such licensee shall immediately submit the schedule of rates under which he is then operating to such board or commission for adjustment and approval and shall thereafter before putting into effect any new schedule of rates and prices to be charged to consumers for power, submit the same for adjustment and approval, and no rates or prices for power shall thereafter be legal or enforceable until so submitted. Such board or commission may, on the complaint of any affected party or on its own initiative, require the submission or the resubmission at any time of existing schedules of rates and prices for adjustment and approval.

Provided that rates and prices, when once adjusted or approved in accordance with this section, shall thereafter not be again revised within a period of five years, except by mutual consent of the revising authority and the licensee.

Provided further that the rates charged by any licensee shall never be reduced by regulation under the authority of this section so as to make it impossible for such licensee to earn a cumulative fair rate of return in accordance with the provisions of subsections (13) and (14) of section 48.

Regulation of service—stock and bond issues

(2) Every such licensee shall abide by and comply with such reasonable regulation and control of the service rendered and to be rendered

Dominion Water Power Act—*continued*

by him to consumers of power furnished or transmitted in virtue of his licence as may be prescribed from time to time by such board or commission, and shall also abide by and comply with any orders of such board or commission with respect to stock and bond issues.

Depreciation reserve accounts

(3) Such board or commission may from time to time ascertain and determine and by order fix the proper and adequate rates of depreciation on the several classes of property used or useful in connection with the undertaking of any such licensee; and the said licensee shall set aside out of earnings and place in separately invested depreciation reserves such amounts as will conform to the rates so ascertained, determined and fixed.

Such board or commission may also specify the purpose for which and the manner in which such reserves and the income arising from the investment thereof are to be expended.

Minister to act in certain cases

(4) Until such commission or board is designated to act in any particular territory, the powers of regulation and control set out in this section may be exercised by the Minister.

LIMITED RIGHTS IN LANDS

Occupation for purposes of undertaking only

50. (1) Every licence shall be valid or effective to authorize the entry upon or use or occupation of any lands of the Dominion only in such manner and to such extent and for such length of time as may be necessary for the purpose of constructing, maintaining and operating the works authorized to be constructed, maintained and operated under such licence.

Withdrawing lands abandoned

(2) If, because of a change in the location of the said works, or because of their non-use or abandonment, or for any other reason, continued or further entry upon or the use or occupation of such lands in whole or in part for the said purposes becomes, in the opinion of the Minister, unnecessary, he shall give the licensee written notice of the contemplated withdrawal of such lands and his reasons therefor, and such lands may thereupon be withdrawn in whole or in part from the operation of the licence, by agreement of the parties.

If the Minister and the licensee cannot reach a satisfactory agreement as regards the contemplated withdrawal within sixty days after the giving of the said notice, the Minister may refer the matter to the Exchequer Court for determination.

Hearing by Exchequer Court

(3) The Exchequer Court after hearing the matter may make an order withdrawing the said lands in whole or in part from the operation of the licensee.

Dominion Water Power Act—*continued*

Rights in flooded lands

51. (1) Lands of the Dominion required only for the purpose of flooding the same, whether in connection with a storage reservoir or for regulating the flow of a stream or otherwise, shall be set out in the interim or final licence separately from the lands required for other purposes and no licence shall be valid to convey any further use of such lands than the right of flooding the same in such manner and to such extent and at such times as may be required for the purposes of the undertaking.

Additional privileges may be granted

(2) Every grant of a right to flood lands of the Dominion in connection with any undertaking shall be subject to the right of His Majesty to grant additional liberty or privilege to any person for any purpose or in any manner to enter upon, use or occupy the said lands, provided always that the rights of the interim or final licensee, as the case may be, shall not, in the opinion of the Minister, be prejudicially interfered with by any such grant.

Clearing timber from lands to be flooded

(3) Every licensee shall, to the satisfaction of the Minister, clear and keep clear, from timber, brush and other material, all lands which are to be flooded.

No fencing permitted

(4) Such flooded lands shall not be fenced or otherwise enclosed except the Minister's consent in writing be first obtained.

Rights in beds or shores

52. (1) Lands forming part of the bed of any stream, the use or occupation of which is required for the site of works authorized, or for the construction or the operation thereof, shall be set out in the interim or final licence separately from lands required for other purposes, and no interim or final licence shall convey any exclusive right in or to the use or occupancy of such land, or any further right than may be required from time to time for the actual construction and operation of the said works.

Additional privileges may be granted

(2) Every grant of a right to use or occupy any lands of the Dominion forming part of the bed of any stream shall be subject to the right of His Majesty to grant additional liberty or privilege to any person for any purpose or in any manner to enter upon, use or occupy the said lands provided always that—

(*a*) The rights of the licensee shall not be prejudicially interfered with by any such grant;

(*b*) The Minister shall give the licensee notice of his intention to grant such additional liberty or privilege, and an opportunity of being heard.

Dominion Water Power Act—*continued*

Rights of way for transmission lines, conduits, etc.

53. Lands of the Dominion required only for rights of way for transmission lines, for water conduits, or for any other purpose necessitating the use of only a narrow strip of the said lands:

(*a*) If inside the severance line agreed upon, shall be set out in the interim or final licence separately from lands required for other purposes, and the interim or final licensee as the case may be, shall not acquire under any such interim or final licence any rights to the use or occupation of any such lands further than as may be required from time to time for the purpose of constructing, maintaining and operating such transmission lines or water conduits or for otherwise carrying out the purposes specified in the interim or final licence, and the Minister shall be the sole judge of the extent of the said requirements. Every such right shall be subject to the right of His Majesty to grant additional liberty or privilege to any person for any purpose or in any manner to enter upon, use or occupy the said lands; provided always that the right of the interim or final licensee shall not be prejudicially interfered with by any such subsequent grant, and that the Minister shall give the said licensee notice of his intention to make such grant and an opportunity of being heard.

(*b*) If outside the severance line agreed upon, may be granted to the interim or final licensee by licence of occupation or in fee as the Minister, with the approval of the Governor in Council, may determine, provided that, in the event of the taking over of the undertaking or works of the interim or final licensee in pursuance of these regulations or of the Dominion Water Power Act, the interim or final licensee shall not be entitled to receive an amount of compensation for the said rights of way greater than the amount which would be established in accordance with the provisions of subsection (9) of section 47.

CARE OF LANDS

Care in general

54. (1) The interim or final licensee shall at all times, maintain the lands, works and property held or used by him in respect of his licence in a manner satisfactory to the Minister including the maintaining of all flooded or other areas in a sanitary condition, and including the improvement of the lands occupied from the point of view of landscape architecture; and shall do all in his power to protect the said lands and the interest of the Crown therein against injury by any one engaged on or about his works, or by any person whomsoever.

Fire Protection

(2) Every interim or final licensee shall do everything reasonable within his power, both independently and on request of the Minister to prevent and suppress fires on or near the lands to be occupied under his licence.

Dominion Water Power Act—*continued*

Clearing rights of way

(3) For the purpose of limiting the spread of fires or for other reasonable purposes, every interim or final licensee shall clear and keep clear the lands of the Dominion along his transmission lines for such width and in such manner as the Minister may direct.

Disposal of brush

(4) Every interim or final licensee shall, to the satisfaction of the Minister, dispose of all brush, refuse or unused timber on lands of the Dominion resulting from the construction and maintenance of the works, and shall keep the lands covered by his licence at all times clear of unnecessary combustible material.

Entry for inspection purposes

55. It shall be lawful for the Minister, the Director, or any person thereunto authorized by either at all reasonable times during the continuance of any licence, to enter upon the lands of the Dominion covered by any such licence to examine the condition thereof.

Care of transmission lines

56. Every interim or final licensee shall protect all telephone, telegraph and power transmission lines in existence prior to the construction of his own lines where crossed by or in close proximity thereto to the satisfaction of the Director or competent provincial authority if any, and shall operate, maintain and render safe to the public his own transmission, telephone and other lines to the satisfaction of the Director or the said authority if any.

Buildings to be approved

57. (1) Except as hereinafter provided, the interim or final licensee shall not erect any buildings or structures whatever upon any lands of the Dominion without first submitting plans thereof to the Director and securing his approval for such building or structure and the site thereof.

Temporary structures

(2) Any temporary buildings or structures required in cases of emergency to facilitate the work of construction and erected without permission shall be entirely removed to the satisfaction of the Director as soon as the necessity ceases or within one month of receiving written notice.

Roads, trails, etc.

58. No roads, trails, telephone lines, buildings or other improvements, property of the Crown in the right of the Dominion, shall be removed, altered or in any way affected by any interim or final licensee in the construction or operation of his works without the Minister's consent in

Dominion Water Power Act—*continued*

writing having been first obtained, and except upon such conditions as the Minister by such writing may impose. The Minister, if he deems it necessary, may require the licensee to furnish a bond for the satisfactory carrying out of the provisions of this section.

Townsite lands

59. Any lands desired by an interim or final licensee for subdivision for townsite or other purposes shall be set out in the application, interim or final licence separately from lands required for other purposes connected with the undertaking, and the promotion of any such townsite shall be subject to the approval of the Minister and to such conditions with respect to town-planning, landscape architecture and sanitation as the Minister may impose.

Timber royalties

60. Every interim or final licensee shall pay such sums by way of stumpage and royalty for any merchantable timber cut or removed from any forest reserve as may be fixed by the regulations governing the administration of forest reserves, and for any such timber cut or removed from any lands of the Dominion other than forest reserves, as may be fixed by the regulations governing the granting of yearly licences and permits to cut timber on the said lands; provided that the Minister may remit the fees in respect of timber required to be removed from any water-power site or lands to be flooded.

WORKS, MAINTENANCE AND OPERATION

Maintenance and operation to satisfaction of Minister

61. The licensee shall at all times install and use first-class, modern, standard works, plant, and equipment, giving consideration to their requisite suitability of design, safety, strength, durability, efficiency, and all other relevant factors whatsoever, and shall maintain the same in good repair and condition, and shall exercise all due skill and diligence so as to secure satisfactory operation thereof. The Minister may give the licensee written instructions concerning the carrying out of this section, but the matter of the reasonableness of such written instructions shall be subject to appeal to the Exchequer Court.

Inspection of works of licensee

62. (1) The Minister, the Director, or any person appointed by either for the purpose shall have free access to all parts of the works, lands and properties of the licensee and to all books, plans, records or accounts used in connection with or affecting any interim or final licence or undertaking, and may from time to time make measurements and observations and take such other steps for carrying out any inquiry as may be considered necessary or expedient in the administration of these regulations.

Dominion Water Power Act—*continued*

Re quantity of water diverted, used or stored

(2) The findings of the Director with respect to the quantity of water diverted, used, or stored, or capable of being diverted, used, or stored, or the amount of power developed or capable of being developed under the authority of any licence shall be conclusive and binding upon the licensee.

Change in works

63. The licensee, before making any material change in any existing works or in their location, shall submit a complete and satisfactory statement and plans of such proposed change to the Director, and shall not proceed to carry out the same until such proposed change has been authorized.

Measuring devices

64. The Director may require any licensee to install and maintain in good operating condition at such places and in such manner as the Director shall approve, accurate meters, measuring weirs, gauges or other approved devices which shall be adequate for determining the amount of water used or power developed in the operation of the works, for determining the flow of the stream or streams from which water is or will be diverted, and for determining the amount of water held in or drawn from storage. The said licensee shall keep accurate and satisfactory records of the foregoing determinations and shall from time to time make such returns, supported if necessary by statutory declaration, as the Director may require.

OUTPUT OF POWER

Penalty for failure

65. Upon a report being made by the Director that a licensee has not developed the amount of power for which there is a public demand and which could be reasonably developed from the flow of water granted under his licence or controlled by him, the Minister may order such licensee to develop and render available for public use the additional amount of power for which there is, in the opinion of the Minister, a public demand, up to the full extent possible from the amount of water granted under such licence or controlled by such licensee and within a period to be fixed by the Minister, which period shall not be less than two years after such licensee or the person in charge of the existing works shall have been notified of such order; and in default of compliance with such order the provisions of such section 82 may be applied.

SECURING ENLARGED DEVELOPMENT

Investigation and hearing

66. (1) Upon a report being made by the Director that it appears desirable to investigate the possibility of establishing an enlarged or

Dominion Water Power Act—*continued*

more comprehensive development of the water-power in any stream at or near the site occupied by any licensee to take the place of the licensee's existing development, the Minister may instruct the Director to investigate the matter and to hold a hearing thereon.

Notice to interested parties

(2) The licensee and all other parties who, in the opinion of the Director, appear to be interested shall be given not less than sixty days' notice of such hearing, and an opportunity of being heard.

Licence for comprehensive development may be offered

(3) The Minister, upon receiving a report thereon in writing from the Director, if the former considers such enlarged or more comprehensive development in the public interest, may make a recommendation in the matter to the Governor in Council who may, thereupon, by an order passed in that behalf, authorize the Minister to offer such licensee a new interim licence for the carrying out of such enlarged or more comprehensive development.

Possible net earnings to be considered

(4) Such licence shall in every case be subject to the regulations then in force, but in granting the same due consideraton shall be given to the existing net earnings of the licensee and to the net earnings likely to be derived from the enlarged or more comprehensive development.

Termination of licence if licensee fails to accept

(5) If the licensee fails, within twelve months after such offer of a licence is made, to accept the same, and in good faith to begin and carry on to completion such new development, then in such case, the Governor in Council may order the existing licence terminated.

Compensation and bonus

(6) Upon such order of termination being given, the respective rights of His Majesty and the licensee in the lands, works, and properties connected with the undertaking shall be the same as in the case where the works and properties of the licensee are taken over upon the expiry of the term as set out in section 47; except that the Minister or the Exchequer Court, as the case may be, in determining the compensation to be paid to the licensee may add such bonus or additional bonus to the amount payable according to the said section 47, as will in the opinion of the Minister or of the Court be proper under the particular circumstances of the case, not to exceed, however, three-fourths of one per cent of the amount payable as aforesaid for each full year of the unexpired term of the licence, nor to be less than five per cent of such amount.

Where several licensees affected

(7) Where more than one existing plant or site is affected by the enlarged or more comprehensive development referred to in the last

Dominion Water Power Act—*continued*

preceding subsection, the Governor in Council may authorize the Minister to receive proposals from all the licensees or occupants of the said sites for carrying out the proposed new development, and to offer to each in turn (selecting first that one whose proposal is reported by the Director, for stated reasons, to appear most in the public interest), or to all conjointly, an interim licence, subject to the regulations then in force, for the carrying out of the proposed new development.

Termination in the case of several licensees

(8) If such new licence is granted, the existing licences shall be terminated in the same manner and having the same effect, and providing for compensation to the same extent as in the case where the rights of only one existing licensee are affected as set out in subsections (1) to (6) hereof.

Compensation where several licensees affected

(9) If each of the licensees mentioned in the last two preceding subsections in turn fails, within the time specified, to accept the offer of a new licence and to begin and to carry on to completion the proposed new works, then, in such case, the Governor in Council may order all the said licences terminated in the same manner and having the same effect, and providing for compensation to the same extent as set out in subsection (6) hereof.

CHANGE IN UNDERTAKING

Application necessary for enlargement or change of use by licensee

67. If a licensee desires to develop, sell, use or dispose of any greater quantity of power than authorized by his licence whether such increased disposal of power does or does not necessitate any addition to or alteration in the works, or desires to use or dispose of any power in connection with his undertaking in a manner or for a purpose other than as provided in such licence, he must first apply to the Minister under the Water-Power Regulations for the time being in force for an interim licence authorizing the construction of the works or for a final licence authorizing such additional development, sale, use or disposal or authorizing such use or disposal in such other manner or for such other purpose, as the case may be, and the granting of the said licence and the use or disposal of such additional water-power shall in every case be subject to all the provisions of the said water-power regulations.

SALE OF POWER

Sale to distributing company

68. In districts where there is no existing authority of competent jurisdiction to regulate and control transmission or distribution companies, no sale or delivery of power shall be made by any licensee to any such company except in case of emergency and then not for more than sixty days

Dominion Water Power Act—*continued*

without the written consent of the Director, unless such company has undertaken to the satisfaction of the Minister, to comply with the terms of these regulations and of the licence to the same extent as the licensee would have been obliged to comply therewith, in so far as the use or disposal of such power is concerned.

Sale of power to Crown

69. Every licensee whose undertaking involves the sale, barter, or exchange of the power authorized to be developed under his licence shall sell power to the Crown when so requested by the Minister at as low a price as is given to any other consumer for a like use at the same time and under similar conditions; provided always that such request is within the capacity of the said site and that the rights of any other consumer then holding a binding contract for the delivery of power are not thereby prejudiced.

Non-export of power

70. No hydro-electric energy developed under the authority of these regulations shall be exported from Canada without the consent of the Minister and subject to such conditions as the Governor in Council may impose.

Contracts uncompleted at end of term

71. A licensee whose undertaking embraces the sale of energy or power may, with the approval of the Minister, which approval may be given when the public interest so requires, enter into contracts for the sale and delivery of such energy or power for periods extending beyond the term of the licence, but for not more than ten years thereafter, and in such case, the licence shall not be terminated at the end of the term as hereinbefore set out unless the new licensee or some competent authority acting for or at the request of the Government of Canada has assumed to fulfil all such contracts so approved.

STREAM REGULATION AND CONTROL

Supervised regulation and control

72. Every licence shall be deemed to have been executed on the express condition that the licensee shall—

(*a*) Divert, use, or store the water authorized to be diverted, used, or stored by him in such a manner as not to interfere, in the opinion of the Minister, with the maximum advantageous development of the power and other resources of the river or stream upon which his works are located;

(*b*) Conform to and comply with any orders in respect of the control or regulation of the flow of the waters of such river or stream as may be made from time to time by the Minister or any person authorized by the Minister in that behalf;

Dominion Water Power Act—*continued*

(*c*) At no time cause or permit the surface-level of the waters of such river or stream or of any storage reservoir operated by him to be raised or lowered beyond the limits which shall be fixed from time to time by the Minister or by a person authorized by the Minister in that behalf.

Definitions

73. (1) In this and the next two succeeding sections—

"Capital cost"

"Capital cost" of any regulation or storage works undertaken under this section shall mean "actual cost" thereof as defined in section 1.

"Annual outlay"

"Annual outlay" shall mean and include all yearly maintenance, operation, and depreciation costs, and necessary amortization costs other than instalments of said capital cost, incurred in respect of such regulation or storage works together with interest on the said capital cost.

Works may be constructed and capital cost prorated

(2) If any regulation or storage works are undertaken upon any stream by the Government of Canada or by any commission, board, company or person upon the authority of the said Government for the control or augmentation of the flow of such stream for water-power or other purposes, the capital cost of such works or any part thereof may be assessed by the Minister upon the owners or licensees of all the water-power sites in the stream, whether such sites are fully developed, partially developed or entirely undeveloped.

Such assessments shall be determined according to the relative benefits which, in the opinion of the Minister, are or will be derived by such respective owners or licensees from the regulated or increased flow, and may also be charged against owners of water privileges under provincial jurisdiction in accordance with the provisions of the next following section.

Appeal

(3) Any person who believes himself to have been wrongfully assessed under the foregoing subsection may appeal the matter to such board or commission as the Governor in Council may designate for the purpose, and the decision of such board or commission shall be final.

Capital cost payable in instalments

(4) The capital cost, so assessed, may be made payable in annual instalments, extending over such period of years, and in such respective amounts for any stated years, as the Minister may determine; and the Minister may provide, if any such water-power sites are undeveloped or have not yet commenced to be operated at the time when the said

Dominion Water Power Act—*continued*

regulation or storage works are undertaken, that the commencement of payment of the annual instalments may in such cases be deferred until development and operation take place, or until such time has elapsed thereafter as the Minister may deem suitable.

Apportionment of annual outlay

(5) The total annual outlay in respect of works undertaken under this section shall be a charge upon such of the water-power developments on the stream as are in a position to utilize the regulated or increased flow in whole or in part, and shall be apportioned among them in proportion to the respective benefits estimated as accruing from time to time to the said developments from such regulated or increased flow.

A due proportion of the annual outlay may also be charged against owners of water privileges under provincial jurisdiction in accordance with the provisions of the next following section.

Preparation and revision of schedule

(6) A schedule of the proportion of such annual outlay to be debited against the respective water-power developments shall be prepared, from time to time, at the direction of the Minister, and shall remain in effect for such period of years, not less, however, than three, as the Minister may determine. In fixing the respective proportions, for any period of years, the use made by the licensee for the period immediately preceding may be taken into consideration.

Provided that such schedule of proportions may be revised at any time with the consent of all the licensees affected; and

Provided further that a water-power development which has come into operation or whose utilization of the stream-flow has been substantially increased within the period during which such schedule is effective, may, at the discretion of the Minister, be debited with its proportionate share of the annual outlay from the time of the commencement of such operation, in which case the proportion charged upon each of the existing developments shall be correspondingly reduced.

Appeal

(7) Any owner of a water-power site, who deems that the proportionâte share of annual outlay debited to his water-power development in virtue of the last two preceding subsections is unjust, may appeal the matter of apportionment to the Board provided for in subsection (3) hereof, but the Minister's determination of the total amount of outlay chargeable against all the water-power developments shall in no case be subject to appeal.

Rental for additional flowage

(8) In addition to paying the assessments of capital cost and the annual charges as provided for in the foregoing subsections, every licensee may be required to pay such rental for the additional flowage created by

Dominion Water Power Act—*continued*

any such works and used by such licensee as the Minister may determine, under the provisions of these regulations, applicable to rentals for the development and use of water-power.

Co-operative Agreements with Province

Assessing provincial power companies

74. The Minister may enter into co-operative agreements with the authorities of any province for the purpose of providing that owners of water-privileges under provincial jurisdiction shall bear a due share in the cost of any storage and regulation works undertaken under the previous section, and of any annual charges arising out of the construction of such works, and also with respect to rentals for the additional flowage created.

Assessing other interests

75. Subject to the assent and co-operation of the proper provincial authorities where required, the Governor in Council may provide the conditions under which owners of irrigation, logging, navigation, or other interests upon the stream who are benefited by such regulation or storage works shall be required to share with the water-power interests the cost and charges arising under this section.

Appraisals

Periodical appraisals

76. (1) To afford a ready basis upon which any valuation which may be required of the lands, works and properties held by a licensee in respect of his undertaking may be made, such as, for instance, valuation for the purpose of ascertaining the proper rentals to be paid by the licensee under section 48, or for determining the compensation to be paid if the properties are taken over under section 47 or to arrive at the rates properly chargeable to consumers under these regulations or otherwise, the Minister may, in any cases where he deems it advisable and at any time during the life of a licence, cause a reappraisal of the value of the said lands, works and properties, taking as a basis for the said reappraisal the actual cost of the said properties determined as set out in section 36, and then giving consideration to any extensions or permanent improvements made in the properties in the period that may have elapsed subsequent to the time of such original construction or subsequent to the last previous appraisal under this section, as the case may be, and also to the loss in value, if any, in the said properties due to physical or functional depreciation or otherwise as well as to the variation in the purchasing power of a dollar as provided in subsection (3) of section 47.

Of existing undertakings

(2) In the case of any undertaking which has been established under regulations pursuant to section 35 of the Dominion Lands Act, the Minister may modify the basis on which such appraisal is to be made upon the

Dominion Water Power Act—*continued*

recommendation of the Director, after the latter has conferred with the owner of the said undertaking and with the authority, if any, having competent jurisdiction over the regulation and control of public utilities in the district in which the said undertaking is situated.

Non-capitalization of grants

77. In any valuation of the lands, works and properties held by the licensee in connection with his licence, whether for the purpose of fixing the tolls or rates which may be charged for power, or for the purpose of appraising the property upon which the licensee is entitled to earn or receive any return, income, price or compensation, or for any other purpose, no value shall be given or claimed for the rights and privileges granted by his licence over and above the sums, if any, actually paid to the government for such rights and privileges, but not including in any case annual or guarantee deposits paid during the interim licence period nor any rentals or annual charges accruing during the final licence period.

ACCOUNTING

Licensee to keep accounts

78. (1) Every licensee, unless excused in writing from compliance with this section by the Minister, shall keep a true and detailed account of all expenditures made in respect of the said works, lands and properties and shall file annually with the Director on or before the first day of March a return for the year ending the 31st day of December preceding, based on the said account and being an accurate summary thereof, such return to be attested by the oath of the licensee or in the case of a company by its president and secretary. In such annual return the following items shall be separately shown, namely:—

(*a*) Respecting the works—

(i) The actual cost thereof, giving separately each class of expenditures as indicated in the definition of "actual cost" in section 1;

(ii) Amounts expended in that year for enlargements and permanent improvements authorized by the Minister;

(iii) Depreciation in value from any and all causes for that year;

(*b*) Respecting lands, tenements and appurtenances not included in the above item—

A statement setting out, in each case, the actual cost thereof in accordance with the provisions of section 36;

(*c*) Respecting capital stock—

(i) Amount authorized and the number of shares into which it is divided;

(ii) Number of shares subscribed for and allotted, number of shares forfeited to date, and the owners, for the time being, of all outstanding shares;

Dominion Water Power Act—*continued*

(iii) The amount of calls made on each share, and the total amount received from share-holders in cash on account of stock;

(iv) Number of shares, if any, issued as fully paid-up shares as consideration for any service rendered or otherwise, specifying in each case for what consideration such shares were issued;

(v) Amounts of dividends declared and paid;

(*d*) Respecting bonds or debentures—

(i) Amount authorized and period of redemption;

(ii) Amount sold (face value) and rate of interest;

(iii) Amount realized from sales;

(iv) Annual amount set aside as sinking fund to meet bonded indebtedness, and date of commencement;

(*e*) The indebtedness other than stock and bonds, specifying nature and amounts, and the rate of interest such indebtedness is bearing;

(*f*) A statement showing the total revenues of the undertaking, specifying the amount received from each and every source;

(*g*) Maintenance and operation expenditures, separating those expenditures which are incurred at or near the works from head office and other expenditures relating to general administration;

(*h*) The names of officers and the classification of employees with salaries, expenses, or other remuneration paid or allowed;

(*i*) The proposed extensions during ensuing years;

(*j*) If a company, such annual return shall have attached thereto a copy of the by-laws of the company, showing all amendments thereto during the year covered by the said return;

(*k*) Such other data as the Minister may require.

Supervision over accounting

(2) The Minister's decision in regard to classfying items under one or another of the above heads, in regard to methods of allowing for depreciation and in regard to the form in which the said accounts shall be kept shall be final.

TRANSFERS

Approval in writing

79. (1) Before any assignment or transfer of any licence or of the rights and privileges thereby granted or of the undertaking connected therewith or of any part thereof becomes valid or effective, the Minister's approval in writing must be secured, and such assignment or transfer shall be subject to such terms and conditions as the Minister may impose in such writing.

Filing of detailed statement

(2) The licensee shall in every case when applying for such approval file with the Minister a satisfactory full and detailed statement of the compensation which it is proposed shall be paid to him for the rights, privileges and properties transferred in respect of the undertaking.

Dominion Water Power Act—*continued*

Basis of approval

(3) The Minister shall not grant such approval unless—

(*a*) It can be shown to his satisfaction that such assignment or transfer is expedient in the public interest;

(*b*) No remuneration is to be allowed to the assignor or transferor for the rights and privileges conferred under the licence over and above the sums, if any, actually paid to the Crown for such rights and privileges, but not including in any case annual or guarantee deposits paid during the interim licence period nor any rentals nor annual charges accruing during the final licence period;

(*c*) The assignee or transferee has undertaken in a manner satisfactory to the Minister to assume all the obligations of the assignor or transferor and also such additional obligations as may have been prescribed by the Minister in the said written approval.

Transfer by mortgage or trust deed

(4) No lien shall be created by mortgage or trust deed upon any power undertaking established in respect of any licence issued under these regulations unless approved by the Minister and for the *bona fide* purpose of financing the undertaking. Any successor or assign of the rights held in respect of such licence, whether by judicial sale, foreclosure sale or otherwise shall be subject to all the conditions of any such licence, and also subject to all the provisions and conditions of these regulations to the same extent as though such successor or assign were the original licensee.

Non-sale of lands inside severance line

80. (1) Lands inside the severance line used or occupied for the purposes of the undertaking shall not be alienated, sold, or disposed of by the licensee without either—

(*a*) The consent of the Minister, or

(*b*) Failing the obtaining of such consent, without a reference to and an order of the Exchequer Court,

and subject to such terms as the Minister or the Court, in either case, may lay down for the protection of the said undertaking.

Non-sale after notice of termination

(2) Whenever notice of termination or cancellation has been given to a licensee in pursuance of these regulations, no lands whatsoever, whether inside or outside of the severance line, used or occupied for the purposes of the undertaking shall thereafter be alienated, sold, or disposed of without such consent or reference and subject to the terms laid down.

PENALTIES FOR DEFAULT BY LICENSEE

General default of licensee referred to Exchequer Court

81. (1) If a licensee, in the opinion of the Minister, has failed to observe or perform any term or condition, which, under his licence or the regulations, he is required to observe or perform, the Minister may, upon

Dominion Water Power Act—*continued*

giving such licensee not less than sixty days' notice, refer the matter of such non-observance or non-performance to the Exchequer Court, and if the Court finds that the licensee has failed in his obligations, it may—

Kinds of action which may be taken

(*a*) Order specific performance by the licensee of the terms of the licence;

(*b*) Order the payment of a sum by way of liquidated damages for the licensee's failure to perform the said terms.

Occupation or sale of properties

(2) If after any such order is given under the two preceding paragraphs, the non-observance or non-performance on the part of the licensee should be continued, or if the licensee should refuse or fail to comply satisfactorily with any such order, or if the Court should deem that the non-compliance of the licensee is of such a nature that the foregoing remedies are inapplicable, the Court may:

(*a*) Authorize any person immediately and without further proceedings to take possession of all works, lands, and properties, whether real or personal, owned or held by the licensee within the power system whether within or without the severance line and used or useful in respect of the undertaking, including books, statements, accounts, papers and records appertaining to such undertaking and to operate, manage and control the said undertaking, and to do all other things required to be done in the conducting or carrying on of the said undertaking, until:

(i) A sufficient sum shall have been accumulated exclusive of all operating expenses and all costs of taking possession to liquidate the sums payable by the licensee and interest thereon and the cost of any proceeding connected therewith, or

(ii) Such other conditions are carried out as may, in the opinion of the Court, have been required to satisfy the terms of the licence or regulations:

(*b*) Give notice that upon a certain date not earlier than twelve months after the time of such notice the licence shall be cancelled, and that not earlier than six months from the date of the said notice, and not later than the termination of the period fixed for cancellation, the lands, works, and properties, whether real or personal, owned or held by the licensee, and used or useful in respect of the power development, and located within the severance line set out in the interim or final licence, shall be sold at execution sale.

Upset price, stipulation, and guarantee deposit

(3) If an execution sale is ordered as set out in paragraph (*b*) above, the Minister shall fix an upset price below which the properties may not be sold. The Minister shall also prepare a stipulation relative to the rights to be acquired and the obligations to be assumed by the successful bidder, and no one shall be permitted to bid at such sale who has not

Dominion Water Power Act—*continued*

previously agreed in writing to sign and abide by the terms of such stipulation and who has not been accepted by the Minister as a bidder, and who has not deposited, by way of a guarantee, a sum equivalent to one-half of that required of interim licensees under section 28 hereof.

Return of deposit

(4) The guarantee deposit mentioned in the last preceding subsection shall be returned to unsuccessful bidders immediately upon termination of the sale; and the successful bidder's deposit may be returned as soon as in the opinion of the court the transfer has been satisfactorily consummated and operation of the works and undertaking is being satisfactorily conducted.

Second sale or forfeiture

(5) If there is not a satisfactory buyer at the first execution sale, a second sale shall be held after a lapse of four months, under the same conditions as the first sale, except that the upset price of the sale shall not exceed the sum which represents the obligations of the licensee to the Crown as fixed by the Exchequer Court and if no bids are received in excess of this sum by accepted bidders, the licensee shall forfeit all his rights, and the works and undertaking shall become the property of the Crown without compensation to the licensee, provided, however, that then existing contracts made by the licensee lawfully and in good faith for the sale or delivery of power at rates which have been properly approved, shall be carried out.

Surplus to licensee

(6) Any surplus arising out of a sale under this section, above the sum which in the opinion of the Court will satisfy the obligations of the licensee shall be paid to the licensee, not exceeding in any case, however, the amount which would be payable if the provisions of section 47 were applicable to the case.

Properties outside of severance line may be affected

(7) If any execution sale under the provisions of this section is contemplated, the Exchequer Court, before giving notice of such sale, shall request the Minister to advise whether in his opinion any lands, works, and properties outside of the severance line, but within the power system, are more tributary or essential to the water-power development in question than to the licensee's remaining undertaking or undertakings, and whether it will be desirable for His Majesty to take over any such lands, works, or properties at the time of such sale.

If the Minister advises in the affirmative, the Court shall grant a hearing upon the matter, giving the Minister and the licensee each not less than sixty days' notice of such hearing, and in deciding the question, shall give due consideration to the severance losses to be suffered by both parties, the public interest, equity, and such other factors as the Court deems relevant.

If the Court decides that any of the said lands, works, and properties outside of the severance line are more tributary or essential to the water-power development in question than the licensee's remaining undertaking or undertakings, His Majesty may, upon an execution sale being carried

Dominion Water Power Act—*continued*

out under this section, assume immediate possesion of the said lands, works, and properties, but compensation shall in such case be paid for the same upon the basis set out in subsections (8) and (9) of section 47 hereof.

Court may take over temporarily in certain cases

(8) If the licence has been cancelled under the provisions of paragraph (*b*) of subsection (2) hereof, and if, for any reason, the procedure provided in subsections (3) to (7) has not been completed, the Exchequer Court may make any orders with respect to taking over and operating the works and undertaking of the licensee for the time being as it may deem equitable under all the circumstances.

MISCELLANEOUS PROVISIONS

Acceptance by Licensee

82. Before executing any licence the Minister shall submit to the prospective licensee a draft of the proposed licence and shall secure from such licensee an acceptance thereof and an undertaking to observe and fulfil all the terms and conditions which under such licence and under these regulations such licensee is required to observe or fulfil, with particular reference to the right of His Majesty to take over the works, lands and properties held by the licensee in connection with his licence in certain contingencies as in these regulations provided. Such acceptance and undertaking shall be made to bind the executors, administrators and assigns, or in the case of a corporation the successors and assigns of the prospective licensee.

Wages and conditions of labour

83. Every licence shall be deemed to be executed on the express condition that all mechanics, labourers, or other persons who perform labour in the construction, alteration, extension, maintenance and operation of the works authorized by such licence, shall be paid not less than such rates of wages as are generally accepted as current from time to time during the continuance of the licence for competent workmen in the district in which the work is being performed for the character or class of work in which they are respectively engaged, and if there be no current rates in such district, then fair and reasonable rates, and shall work such hours as are customary in the trade in the district where the work is carried on, or if there be no custom of the trade as respects hours in the district, then fair and reasonable hours, unless for the protection of life and property, or for some other cause shown to the satisfaction of the Minister of Labour, longer hours of service are required. The Minister of Labour may at any time and from time to time determine for the purposes of the licence, what are the current or fair and reasonable rates of wages, and the current or fair and reasonable hours, and may from time to time rescind, revoke, amend or vary any such decision, provided that his determination and any amendment or variation shall not be operative prior to the period of three months immediately preceding the date thereof. Where there are special circumstances which in the judgment of the Minister of Labour make it expedient that he should do so, he may, in

Dominion Water Power Act—*continued*

the manner and subject to the provisions hereinabove set forth, decide what are the current or fair and reasonable rates of wages for overtime, and what is the proper classification of any work for the purposes of wages and hours. Immediately upon receipt of notice of any decision of the Minister of Labour hereunder the licensee shall adjust the wages and hours and classification of work so as to give effect to such decision.

The foregoing Fair Wages Clause, also any decision of the Minister of Labour made thereunder, shall be posted and kept posted in a conspicuous place on the premises where the works authorized by such licence are being executed, occupied or frequented by the workmen.

Proper books and records shall be kept showing the names, trades, and addresses of all workmen employed, and the wages paid to and time worked by such workmen, and the books or documents containing such record shall be open for inspection by the Fair Wages Officers of the Government at any time it may be expedient to the Minister of Labour to have the same inspected.

With a view to the avoidance of any abuses which might arise from the sub-letting of contracts it shall be understood that contractors and sub-contractors shall be bound in all cases to conform to the conditions of the licence, and the licensee shall be held responsible for strict adherence to all contract conditions on the part of contractors and sub-contractors.

All workmen employed upon the work comprehended in and to be executed pursuant to the said licence, shall be residents of Canada, unless the Minister of Labour is of opinion that Canadian labour is not available or that other special circumstances exist which render it contrary to the public interest to enforce this provision.

Crown to be indemnified

84. The licensee shall indemnify the Crown against all actions, claims or demands arising against it by reason of anything done by such licensee in the exercise or purported exercise of the rights and privileges granted under the licence.

Times of payment of rentals

85. If the Minister considers it advisable in order to systematize the accounting work of the Department to change the times of payment of rentals or other sums payable under any existing licence or other concession, he may, by giving the licensee sixty days' notice in writing, readjust such time of payment, provided always that the aggregate payment to be made under the said licence or other concession is not increased in virtue of the authority hereby conferred.

Termination because of the Irrigation Act

86. Upon a report being made by the Minister that the rights which exist or may be created under the Irrigation Act are in conflict with and more in the public interest than the rights held in respect of any licence issued under the authority of these regulations, then in such case, and subject to twelve months' notice of intention to terminate being given by the Minister to the licensee, the Governor in Council may order such licence terminated and thereupon the rights of the licensee with respect to the control and operation of the power or storage development shall absolutely cease and determine without further proceeding, and the respective rights of His Majesty and the licensee in the lands, works and properties connected with the undertaking shall be as set out in section 47;

Dominion Water Power Act—*continued*

except that the Minister or the Exchequer Court, as the case may be, in determining the compensation to be paid to the licensee may add such bonus or additional bonus to the amount payable according to the said section 47, as will in the opinion of the Minister or of the Court be proper under the particular circumstances of the case, not to exceed however, three-fourths of one per cent of the amount payable as aforesaid for each full year of the unexpired terms of the licence nor to be less than five per cent of such amount.

Leases of reserved lands

87. Where lands which have been reserved by the Governor in Council as being valuable for the development of any water-power to be dealt with only under these regulations, cannot, in the opinion of the Minister, be utilized in connection with such water-power development for a number of years, and where, in the opinion of the Minister, the granting of temporary leases or licences of occupation for other purposes will not interfere with the purposes of such reservation, applications for the temporary use and occupation of such lands for such other purposes may be considered by the Minister and conditional leases or licences granted by him; provided always that it shall be stipulated in every such conditional lease or licence that when in the opinion of the Minister, such lands are required in connection with such water-power development it shall be lawful for the Minister on giving the conditional lessee or licencee not less than six months' notice of such cancellation, by writing under his hand to cancel such lease or licence and determine the rights thereby conferred, and repossess himself on behalf of His Majesty of the said lands and all improvements thereon without any compensation whatever being paid to such conditional licensee or lessee.

Navigation, purity of waters, fishing, and other interests

88. Notwithstanding any rights granted or approval given by any licence, every licensee shall comply fully with the provisions of the Navigable Waters Protection Act and any rules and regulations promulgated thereunder; and shall also comply fully with the provisions of any provincial or Dominion statutes or regulations governing the preservation of the purity of waters or governing logging, forestry, fishing, or other interests present or future which might be affected by any operations conducted under his licence and shall also observe and carry out any instructions of the Minister in respect of any of the foregoing matters not inconsistent with the said statutes and regulations.

Minister may make supplemental rules

89. The Minister may from time to time make such supplemental rules regarding such matters as the nature of plans and specifications to be filed, the prescribing of forms to be used, the procedure to be followed in connection with various inquiries and matters arising under these regulations as may, in his opinion, be desirable.

Removal of unlawful structures

90. Any machinery, plant, structure, or works constructed, installed, or placed on any lands of the Dominion for the development of any Dominion water-power or for the transmission, distribution, or utilization

Dominion Water Power Act—*continued*

of the energy produced from such water-power in contravention of these regulations or of the Dominion Water Power Act shall be removed if and when required by the Minister.

SMALL WATER-POWERS

The following conditions for small water-powers are permissible as an alternative to proceeding under the foregoing regulations:—

Water-powers not exceeding 500 h.p. capacity

91. (1) Applications for the development of water-powers, the capacity of which, under average usable flow conditions, does not exceed, in the opinion of the Director, five hundred horse-power, and which are not deemed to be of primary importance for commercial or public utility purposes, may be dealt with under such special regulations as the Minister may from time to time, promulgate, subject, however, to the following provisions:—

Term

(*a*) The licence-terms shall not exceed twenty years; and renewals shall not exceed five years each;

Renewal

(*b*) Applications for renewal shall in every case follow the procedure in force at the time such application is made, and the renewal licence shall in every case be subject to the laws and regulations in force at the time such licence is issued;

On expiry of term

(*c*) Upon the expiry of any term or any renewal, if the licensee either has not applied for or has failed to secure a renewal licence, the water-power development and all works and structures connected therewith and located on lands of the Dominion shall become the property of the Crown without compensation to the licensee; but with the privilege on the licensee's part of removing from the lands of the Dominion within such period after the said expiry as may be approved, all works and structures erected or installed by the licensee in connection with such power development, which can, with the consent of the Director, be removed without damage to the said lands;

If taken over before expiry

(*d*) The Governor in Council may at any time, upon giving the licensee one year's notice, cancel any licence granted under this section, and resume full possession and control of the water-power development and all works, lands, and structures connected therewith, or, at the option of the Minister, of such part of such works and structures as are situate upon lands of the Dominion;

Compensation

(*e*) Compensation, in such case, shall be paid to the licensee for the works, lands, and structures taken over, to the amount of the actual cost thereof, determined in accordance with the principle of section 36 and subsection (3) of section 47, together with such

Dominion Water Power Act—*concluded*

percentage added to such amount by way of bonus, not greater than fifteen per cent nor less than three per cent of such amount, as may be determined either by agreement of the parties, or in case of non-agreement, by the Exchequer Court.

Water-powers not exceeding 100 h.p. capacity

(2) The Director may receive applications for the development and use of any water-powers, the capacity of which, under average usable flow conditions, does not exceed, in his opinion, one hundred horse-power, and which are not of primary importance for public utility or commercial purposes; and may issue licences for the development and use of any such water-powers, subject, however, to the provisions of paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) of the preceding subsection.

Compensation

Provided that the compensation to be paid to the licensee under the said paragraphs (*d*) and (*e*) for any works taken over if the licence should be terminated before the expiry of the term shall, in cases arising under this subsection, be arrived at by agreement of the parties, or in the case of non-agreement, by such tribunal, person or persons, and in such manner as the Minister, may, at the time, determine and direct.

DRUGS, REGULATIONS RESPECTING
See FOOD AND DRUGS ACT

DRY DOCKS SUBSIDIES ACT. (R.S.C., 1927, c. 191).

See also PUBLIC WORKS ACT

Section 18 of the *Dry Docks Subsidies Act* provides that no tolls or rates shall be charged or taken by a company (operating a dry dock constructed under the Act) in respect of the letting or hiring, operation or use of the dock, or of space therein, or of any works connected therewith, until the company has submitted a tariff of such tolls or rates and the said tariff has been approved by the Governor in Council; and no by-laws, rules, regulations or conditions respecting such letting, hiring, operation or use, shall have any force or effect until so submitted and approved. Tariffs of tolls and regulations for the operation and use of the following dry docks have been approved by the Governor in Council. Copies of these tariffs of tolls and regulations may be obtained by interested parties from the Secretary, Department of Public Works, Ottawa.

1. Dry Docks Nos. 1 and 2, Collingwood, Ontario. Order in Council P.C. 838 of 29th May, 1925.
2. Prince Rupert Floating Dry Dock, Prince Rupert, B.C. Order in Council P.C. 1326 of 24th February, 1941.
3. Dry Dock at Courtenay Bay, Saint John, N.B. Order in Council P.C. 5865 of 17th November, 1949.
4. Burrard Floating Dry Dock, North Vancouver, B.C. Order in Council P.C. 5866 of 17th November, 1949.
5. Dry Dock at Port Arthur, Ontario. Order in Council P.C. 5906 of 22nd November, 1949.
6. Duke of Connaught Floating Dry Dock, Montreal. Order in Council P.C. 6189 of 6th December, 1949.

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